SECOND ITEM ON THE AGENDA

Follow-up on consultations concerning the need for revision and obstacles to the ratification of 13 Conventions

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Introduction

1. This document 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 at its sixth meeting. It contains an analysis of observations received from 64 member States in the course of consultations conducted in 1997 and 1998 with respect to 13 Conventions examined by the Working Party at its previous meetings.

2. The consultations were conducted in accordance with the Governing Body's decisions inviting member States to inform the Office on the need for a full or partial revision of three Conventions, and, if appropriate, on the form that such a revision might take, and to contemplate ratifying ten other Conventions, and to inform the Office of the difficulties and obstacles encountered, if any, that might prevent or delay the ratification of these Conventions or that might point to the need for a full or partial revision of these Conventions.

3. The above decisions were communicated to member States on two occasions, in June 1997 and again in December 1997, together with a request to forward their observations to the ILO.

4. In accordance with the Working Party's recommendation, governments of member States were invited
to undertake tripartite consultations in order to implement the decisions of the Governing Body and to forward to the Office any observations they might wish to make. With few exceptions, the responses received indicated that tripartite consultations had been conducted, and in most cases the views and opinions of employers' and workers' organizations were reflected in the information to the Office. (3)

Summary of the proposals

5. Re-examination of the 13 Conventions in the light of the consultations held results in four main types of proposed action.

(a) Proposals for revision

6. It is proposed that six Conventions be revised. This is the case with respect to Conventions Nos. 13, 27, 119, 127, 136 and 153. However, in the case of Conventions Nos. 13, 136 and 153 the consultations suggest that the proposed revision of these Conventions should perhaps be considered in a larger context -- the regulation of the use of hazardous substances at the workplace or a review of issues related to working time and working-time arrangements.

(b) Promotion of up-to-date Conventions

7. The consultations conducted result in proposals to promote the ratification of Conventions Nos. 95, 140, 152 and 156.

(c) Maintenance of the status quo

8. With respect to Convention No. 94 the maintenance of the status quo is proposed.

(d) Further examination

9. In the case of Conventions Nos. 132 and 158, the consultations revealed a number of diverging views among the constituents on the prospects for ratification of these two Conventions, on the obstacles and difficulties encountered and on the needs for revision of both Conventions. As a result, it seems uncertain whether the conditions necessary to reach a consensus in the Working Party can be met at this stage. The Office could therefore pursue its research and consultations in order to submit a short survey to the Working Party in March 1999. In addition, it is proposed both to promote the ratification of Convention No. 140 and to undertake a short survey on this Convention, as requested during the previous discussions of the Working Party.

I. Consultations on the need for a total or partial
revision of certain Conventions and on the form that such a revision might take

I.1. C.127 -- Maximum Weight Convention, 1967

Background

10. In the course of the previous examination of this Convention it was noted, inter alia, that difficulties in the application of the Convention had been reported by the Committee of Experts, that the Convention seemed to require adaptation to modern technology and that modern trends in the area of occupational safety and health seemed 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 the Convention.

11. In the course of the consultations held, 45 member States commented on the need for revision of the present Convention.

Need for revision

(a) Content of the Convention

1. Basic approach -- Risk assessment method

12. As regards the content of the Convention, seven member States (Australia, Belgium, Finland, Portugal, New Zealand, Thailand and the United Kingdom) raised a major objection to its basic approach, which in their view should reflect an individual risk assessment method aimed at prevention. These member States were in favour of the prevailing risk management approach whereby risks are identified, assessed and controlled and weight is only one of a number of factors to be taken into account when evaluating the risk.

2. Special rules for women and young workers (Article 7)

13. A number of observations concerned the provisions in Article 7 prescribing certain maximum weight limits for women and young workers only. As a whole, 13 member States sought a revision of this provision. Eleven member States considered that manual handling risks should not be controlled by gender as the transportation of heavy loads above a certain limit was damaging to the health of all workers.

3. Maximum permissible weight (Article 3)
14. Eight member States addressed the limits imposed by Article 3. India, the Netherlands, New Zealand, Poland and Singapore indicated that should a revision be contemplated, the maximum permissible weight should be regulated in the Convention and not only in the Recommendation. The Netherlands added that the maximum weight should be well below 55 kg, while Poland suggested reducing the maximum weight of load for men to 40 kg if the work is of regular character, and to 50 kg in case of casual work. New Zealand proposed a revision of Article 3 by altering the words "by reason of its weight" to reflect the wider number of factors that, it maintained, were now regarded as important in assessing manual handling tasks, including: weight of the object; size and shape of the object; distance of its centre of gravity from the body; starting and ending heights of the lift; frequency of lifting; grips that can be obtained on the object; the person; and the environment. Bahrain, Lebanon and Singapore proposed that, in addition to age and gender, other factors should also be taken into account for the determination of the maximum weight limits.

4. Other issues

15. A few member States (Australia, China, Comoros, Egypt and Sri Lanka) considered, more generally, that technological developments in this field gave rise to a need for revision of the Convention. More specific proposals were also made: insertion in Article 1(a), after the word "lifting", of the word "carrying" (Poland); revision of Article 5 to include a reference to training with respect to the correct techniques of manual lifting and lowering of loads (South Africa); insertion of a provision providing for a medical examination of persons in charge of the manual lifting of loads either prior to assignment or on a regular basis (Lebanon and Philippines); incorporation of sections V-VII of the Maximum Weight Recommendation, 1967 (No. 127), into the Convention (Portugal); introduction of a referral to inspection in the Convention (El Salvador); introduction of an express reference to the employer's obligations, in particular the evaluation of transport conditions (Greece); introduction of a definition of "centre of gravity" (Hungary); and, finally, application of greater attention to ergonomic factors (Mauritius).

(b) Form of a possible revision

16. Of the 35 member States which were in favour of a revision and expressed an opinion on the form of such a revision, 13 member States (Bahrain, Brazil, China, Czech Republic, Estonia, Italy, Lebanon, Morocco, Myanmar, Norway, South Africa, Switzerland, Thailand) were in favour of a partial revision of the Convention. Four member States (Chile, Cuba, Myanmar, Switzerland) specified that a revision should take the form of an additional Protocol to the Convention, and one member State (Philippines) felt that standards on this matter should be addressed in a Recommendation rather than in a Convention.

Remarks

17. The Working Party may wish to consider that there is a clear majority in favour of revision of Convention No. 127 and that a revision should mainly be aimed at introducing a gender-neutral, individual risk assessment approach to the question of the manual handling of loads. Most opinions
seem to favour a general revision of the Convention, although several countries would prefer a partial revision. Based on the foregoing and the previous examination, the Working Party may wish to propose a revision of this Convention.

Proposal

18. *The Working Party is invited to recommend to the Governing Body the revision of the Maximum Weight Convention, 1967 (No. 127), and to include this item in the portfolio of proposals for the agenda of the Conference.*

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I.2. C.136 -- Benzene Convention, 1971

Background

19. In the course of the examination in March 1997 it was noted, inter alia, that the more recent Chemicals Convention, 1990 (No. 170), provided a general framework in this field, while Convention No. 136 retained its importance in that it determined a specific limit value for permissible benzene content. However, as was suggested already in the late 1980s, the exposure limit value in Article 6 could be reviewed.(7)

20. In the course of the consultations held, 47 member States commented on the need for revision of the present Convention.(8)

Need for revision

(a) Content of the Convention

1. Special rules for women and young workers (Article 11)

21. The most frequent proposals for revision of specific provisions of the Convention concerned Article 11. Six member States disagreed with the substance of this provision. According to Denmark, there was a need for revision with a view to ensuring the same level of protection for both men and women. Australia maintained that the prohibition in Article 11 concerning nursing mothers would breach national anti-discrimination legislation as well as the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). According to the United Kingdom, Article 11 of the Convention was "unnecessary and unpracticable". Mexico wished the second paragraph of Article 11 to be revised. Lebanon suggested that other groups of workers merited special protection, including those suffering from asthma or allergies. Sweden noted that Article 11 seemed to be in conflict with the national approach where the workplace environment should, in general, be safe enough to allow
pregnant women and nursing mothers to be able to work there.

22. A more general stance was taken by five member States which considered that a revision was necessary in order to make the Convention more adapted to modern technology and practice in this field (China, Comoros, Malaysia, New Zealand and South Africa).

2. Exposure limits (Article 6(2))

23. Four member States (Lebanon, Netherlands, New Zealand and Poland) called for a lowering of the exposure limit set in the Convention.

3. European Community law

24. According to three member States (Germany, Finland and Netherlands), the relevant EC Directive (90/394/EEC) in this area was not inconsistent with the Convention, but it contained more advanced ideas about the management of exposure and should be taken into account in the event of a revision of Convention No. 136.

4. Other issues

25. A series of other specific calls for revision were also raised: the revising instrument should provide for the measures to be taken by the employer to protect the workers' health (Lebanon); flexibility clauses should be introduced for the benefit of countries that lack technical know-how (Ghana); a new paragraph should be added to Article 7 providing that "where ventilation systems are being installed, the ambient concentration of benzene in the workplace shall be tested periodically to ensure that the necessary precautions taken are effective" (Philippines); danger symbols referred to in Article 12 should include information on benzene's carcinogenic character (Poland); the exemption in Article 2, paragraph 1 should be revised with a view to eliminating the possible exemption, as less harmful products currently exist (Lebanon); Article 3 should be revised to extend the right to temporary exceptions (Mexico), while another member State considered this provision too flexible (Italy); the provision in Article 9 concerning health surveillance was either "unnecessary and unpractical" or "discriminatory" (United Kingdom and Denmark).

(b) Form of a possible revision

26. Among the 20 member States which favoured a revision, 13 member States had preferences as to the form of such a revision. Six member States (Brazil, China, Estonia, Ghana, Italy and Philippines) were in favour of a partial revision of Convention No. 136, while seven member States (Belgium, Chile, Costa Rica, Lebanon, Myanmar, Panama and Sri Lanka) suggested the adoption of a Protocol.

27. A more far-reaching position was taken by 12 member States which questioned the basic approach of the Convention, including its limited focus on a single hazardous substance. Several approaches were
suggested: the scope of application of Convention No. 136 should be broadened to include other hazardous substances (Denmark, Germany, Greece, New Zealand and Singapore); the Convention should not be revised unless a new Convention dealing with chemical agents risks including benzene were adopted (Qatar); Convention No. 136 should be revised to bring it "into line with" the Chemicals Convention, 1990 (No. 170) (Malaysia and South Africa\(^\text{(10)}\)); the subject-matter of Convention No. 136 could be included in the Occupational Cancer Convention, 1974 (No. 139), or in Convention No. 170 (Germany); Conventions Nos. 136 and 139 should be "merged" (Netherlands); the scope of application of Convention No. 170 covers that of Convention No. 136, and Convention No. 170 should therefore be the ratification target (Australia, Sri Lanka and Sweden). More generally, Denmark and Germany both questioned the practice of elaborating Conventions regulating individual substances, and the former suggested holding a general discussion on the need for such Conventions.

(c) Other opinions

28. Nine member States did not see any particular need for revision of the Convention (Australia, Austria, Cuba, Egypt, El Salvador, India, Mexico, Switzerland and Thailand\(^\text{(11)}\)). In addition, Germany considered that from a "technical point of view" there was no need for revision,\(^\text{(12)}\) as the Convention conformed to EU legislation. New Zealand considered the Convention to be obsolete and suggested it be abrogated.

Remarks

29. The consultation revealed a series of concerns regarding both the content and the form of Convention No. 136. The majority of the member States which took part in the consultations were in favour of a revision of the substantive content of the Convention. A main issue for revision were the provisions in Article 11 providing for special rules for women and young workers. Some requests for a revision of the exposure limits in Article 6(2) were also noted. Proposals to amend several other parts of the Convention were made. As to the form of the revision the basic logic of the Convention -- to regulate the use of a single hazardous substance -- was questioned. Several member States proposed considering whether the content of the Convention could not usefully be regulated in the context of other Conventions such as the Chemicals Convention, 1990 (No. 170), or the Occupational Cancer Convention, 1974 (No. 139).

30. Consequently, the Working Party may wish to consider that there is a clear majority in favour of revision of Convention No. 136, and in particular of Articles 6(2) and 11. The Working Party may wish to include the question of the use of hazardous substances in the portfolio of items to be placed on the agenda of the Conference and to consider the question of a revision in that context. This solution would allow a joint consideration of Convention No. 136 and Convention No. 13, which will be examined below, and to consider the normative action which could be undertaken in the future in this area. Such future normative action could perhaps include a consideration of the relationship between the regulation of hazardous substances in the workplace and environmental issues.
Proposals

31. The Working Party is invited to recommend to the Governing Body the revision of the Benzene Convention, 1971 (No. 136), and the inclusion of this union in an item concerning the use of hazardous substances in the portfolio of proposals for the agenda of the Conference.

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I.3. C.27-- Marking of Weight (Packages Transported by Vessels) Convention, 1929

Background

32. In the course of the previous examination in March 1997 it was noted, inter alia, that a member State had proposed a revision of this Convention in the late 1980s in order to take into account the increasing use of modern techniques of container transport. Subsequently, the Committee of Experts examined the issue and concluded in 1991 that, in fact, there seemed to be considerable difficulties in applying the Convention to containers. A proposal to include a revision of this Convention had been submitted for consideration by the Governing Body for inclusion on the agenda of the Conference, but had not yet been retained. It was further noted, however, that the reasons invoked for the revision did not seem to be directed at the content of the Convention, but rather at its (limited) scope of application and that therefore an additional Protocol to the Convention concerning the safe handling of containers could be envisaged.(13)

33. In the course of the consultations held during 1997-98 a total of 38 member States commented on the need for revision of the present Convention. (14)

Need for revision

(a) Content of the Convention

1. Methods of transportation

34. Eleven countries emphasized the need to update the Convention in view of the changes in the methods of transportation that have occurred since its adoption (Australia, Belgium, China, Comoros, Egypt, France, Lebanon, Morocco, Singapore, Sri Lanka and Thailand). Four other member States specifically proposed adapting the Convention to container traffic (Cuba, Finland, Germany and Sweden). Germany submitted a specific proposal to that effect suggesting the adoption of an additional Protocol to Article 1 with the following content:
For containers transported by sea or inland waterways, details concerning the gross weight may also be provided through the marking of the maximum total permissible weight as shown on the Safety Licence Plate in conformity with the requirements of the International Convention on Safe Containers (CSC of 2 December 1972).

2. Marking of weight (Article 1)

35. Ten member States made proposals for revision concerning or related to Article 1 of the Convention: Finland suggested that "the difficulty in the case of cargo unit loads is that detailed information on weights is not available prior to loading"; Thailand added that the gross weight should be marked on the outside of heavy packages before they are loaded on the vessel; Lebanon indicated that the possibility of marking the approximate weight should be eliminated, as new technology made instruments of measurement available that were more precise; El Salvador and New Zealand made a specific proposal to modify the limit of 1,000 kg contained in Article 1; Denmark made a series of detailed proposals to expand the scope of Article 1; Morocco proposed the adoption of a Protocol providing that the weight of cargo should be stated in specially designed documents; in the opinion of Egypt, a revision would be undertaken, inter alia, to determine that the obligation for marking in Article 1(3) should rest on the State in which the vessel is registered; and the Philippines insisted that this obligation must be the primary obligation of the consignor/shipper of the cargo and the State of cargo origin, and not of the country of consignment. The Czech Republic considered that, in the case of a revision, the obligation of complex marking of packages, and not only the marking of weight, should be laid down in the Convention; the Syrian Arab Republic would welcome a revision with a view to making the Convention more flexible.

2. Compatibility between ILO and IMO standards

36. Although the question of the marking of weight was mainly relevant for the occupational safety of stevedores it had, according to Finland, wider implications in that it was an issue that also concerned the stability of vessels. Finland wished to see this latter aspect taken into account in the context of a revision of the Convention, and noted that this would imply coordination with pertinent IMO Conventions. In the same vein, the Netherlands cautioned that any possible conflict between Convention No. 27 and the International Convention for Safe Containers should be avoided.

(b) Form of a possible revision

37. While 28 member States favoured a revision, only 11 expressed themselves as to the form they preferred for such a revision: five member States (China, Estonia, India, Philippines and Thailand) favoured a partial revision and six member States (Costa Rica, Cuba, Germany, Morocco, Myanmar and Sri Lanka) preferred the adoption of a Protocol.

(c) Other opinions
38. Austria, Argentina, the Czech Republic, and Hungary did not see any particular need for a revision of this Convention. The United Kingdom seriously questioned the continued relevance of this Convention, suggesting it be abrogated, and adding that the Convention had become particularly redundant since the adoption of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152). Qatar proposed that the substance of the Convention be included in another Convention concerning merchant shipping. (16)

Remarks

39. Among the member States that responded to the request for information, a strong majority emerged in favour of revision of the Convention, mainly in order to adapt the Convention to changes in methods of transportation. Several member States stated that, in their view, the scope of the Convention should be expanded to include container traffic, that a modification of the weight limit of 1,000 kg was due and that a more modern risk-assessment approach to the subject should be adopted. Based on the foregoing, and the previous examination, the Working Party may wish to propose that this Convention be revised.

Proposal

40. The Working Party is invited to recommend to the Governing Body the revision of Convention No. 27 and the inclusion of this item in the portfolio of proposals for the agenda of the Conference.

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II. Consultations on intentions to ratify certain Conventions, and to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay ratification of these Conventions or that might point to the need for their full or partial revision

II.1. C.156 -- Workers with Family Responsibilities Convention, 1981

Background

41. In the course of the examination in March 1997, (17) the importance of this Convention was noted together with the fact that the Convention had difficulties in attracting ratifications. The Committee of Experts had also noted obstacles to ratification in a General Survey of 1993, although Article 9 seemed to permit flexible application, and the Committee of Experts considered that there were certain misunderstandings among a significant number of governments and employers' and workers' organizations concerning requirements in Convention No. 156, including the proper interpretation of

42. In the consultations held, a total of 47 member States responded to the request for information.

Ratification prospects

43. Eight member States reported positive ratification prospects, while the issue was under consideration in eight others. Four additional responses were received. Ratification seemed imminent in Belgium, the Czech Republic and El Salvador where the question of ratification of this Convention was before their national parliaments for approval. China, Colombia, Romania, Poland and South Africa reported having determined that the Convention was suitable for ratification; Romania and Poland specified that tripartite consultations had been carried out for this purpose. In Azerbaijan, Canada, the Dominican Republic, Italy, Luxembourg, Turkey and the United Kingdom such tripartite discussions were ongoing. In Latvia the possibility of ratification of this Convention in the near future was under consideration. In addition, China stated that the Convention basically suited the national situation, but that its ratification was not the highest priority of the Government; Costa Rica referred to the need for a detailed examination before ratification could be contemplated, and Ghana indicated that the Government was considering placing the issue of ratification before the tripartite National Advisory Committee on Labour. Finally, existing rules in the Republic of Korea did not apply to workplaces with fewer than five employees, but the Government indicated that studies were being carried out on the possibilities of extending the legislation.

Obstacles or difficulties encountered

44. Among the 25 member States that reported obstacles to ratification of the Convention, ten member States reported specific difficulties with some of its Articles. Fifteen member States noted a lack of conformity between national legislation and the Convention. Among these, Germany considered that "the possibility of a revision to enable Germany to ratify the Convention was considered unrealistic", while in Switzerland a recently enacted law had raised new obstacles to ratification. Four countries (Comoros, India, Singapore and Turkey) emphasized the scarcity of national resources as an impediment to ratification and implementation of the Convention. Finally, the absence of legislation was seen as an obstacle in Estonia, Qatar, Suriname and Thailand.

Need for revision

(a) Revision not envisaged

45. Australia, Brazil, Ghana, Hungary and Mexico considered that there was no need for a revision of
this Convention. *Australia* described the Convention as "sufficiently flexible, largely promotional in nature, and which could be promoted in stages".

(b) Revision proposals

46. A revision of this Convention was proposed by four member States. *Egypt* considered that the Convention should be revised so as to be consistent with the customs and traditions of Arab States. *Finland* submitted a detailed proposal aimed, inter alia, at adjusting the Convention to the current circumstances in the labour market. *India* called for a framework Convention which could be implemented in a phased manner, and *New Zealand* urged a revision of Convention No. 156 in order to take its relationship to Convention No. 111 into account.

Remarks

47. The consultations indicate that the prospects for further ratifications of Convention No. 156 seem encouraging. Sixteen member States indicated that a ratification was either imminent or was seriously being considered. In addition, a few member States stated that they were satisfied with the Convention and did not see any need for revision. While obstacles to ratification were reported from a number of countries, nine of which indicated difficulties with specific provisions of the Convention, only a few calls for revision were noted. The continued relevance of the Convention was not questioned by any member State. Based on the foregoing, and the previous examination, the Working Party may wish to consider reaffirming that member States be invited to contemplate ratifying this Convention.

Proposal

48. *The Working Party is invited to recommend that the Governing Body invite member States to contemplate ratifying Convention No. 156.*

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II.2. C.158 -- Termination of Employment Convention, 1982

Background

49. In the course of the examination of the Convention in March 1997, it was noted, inter alia, that Convention No. 158 seemed to be encountering difficulties in gaining a significant number of ratifications. In some of the reports submitted for the 1995 General Survey, governments noted that legal or practical difficulties in the application of the Convention were preventing its ratification. In its final remarks, the Committee of Experts pointed out that these instruments had lost none of their relevance and that the standards on termination of employment had a twofold objective: to protect...
workers in their professional life against any *unjustified* termination of employment while preserving the right of employers to terminate the employment of workers for reasons which are recognized as being valid. Although setting out a number of substantive principles, the Convention remains flexible as regards the methods of its implementation.\(^{31}\) The General Survey did not identify any specific provisions in need of revision. During the discussions at the Conference in 1995 opinions were, however, divided as to the pertinence of the Convention.

50. A total of 51 member States\(^ {32}\) responded to the request for information. Several employers' or workers' organizations added their own observations on the issue.\(^ {33}\)

**Ratification prospects**

51. Eleven member States\(^ {34}\) stated that they were examining, or would be examining in the near future, the possibility of ratifying this Convention. In addition, two member States (the *Netherlands* and the *Philippines*) indicated that some legal obstacles needed to be overcome or that tripartite consultations had to take place before a final determination of the ratification prospects could be made.

**Obstacles or difficulties encountered**

52. A total of 34 member States reported obstacles or difficulties to ratification. Among these, seven governments indicated that they had difficulties with specific Articles of the Convention.\(^ {35}\) The *United States* added that under American common law an employee without a contract for a definitive term can be discharged for good cause, no cause or even a morally wrong cause.

53. Twelve member States reported that their national legislation represented an obstacle to ratification. Six (Argentina, China, Egypt, Estonia, Panama and Qatar) did not specify the nature of the obstacles. Four (Austria, Belgium\(^ {36}\) Switzerland\(^ {37}\) and Thailand) noted that their national legislation was based on the concept of freedom to terminate employment and, in their perception, was not in conformity with the Convention. Germany reported continuing and increased\(^ {38}\) legal obstacles with respect to the application of Article 2(3), and did not consider realistic the possibility of obtaining a majority for revising the Convention so as to enable Germany to ratify it.\(^ {39}\) Canada indicated that while relevant national legislation, collective agreements and practices, taken as a whole, were generally in conformity with the requirements of the Convention, these requirements were not fully met, in particular for unorganized workers.

54. Other types of obstacles were reported from four other member States: Mexico held that its national legislation offered better protection than the Convention; Ghana considered that as virtually all provisions were applied both in law and practice, ratification of Convention No. 158 was superfluous; Uruguay reported a lack of consensus for ratification; and Colombia mentioned the absence of an unemployment insurance system.
Need for revision

55. Four member States proposed a revision of this Convention: Australia, which had ratified Convention No. 158 in 1993, considered that Article 2(6) seemed to be interpreted inflexibly and that it therefore could be revised; Finland, which ratified Convention No. 158 in 1992, considered the Convention to be in some respects outmoded and that Article 2 should be revised so as to prevent termination of employment on grounds of gender or gender-related reasons (such as pregnancy or family responsibilities); India proposed a revision so as to limit the scope of application of the Convention as defined in Article 2, paragraph 1; and New Zealand had no difficulty with the general principles of the Convention, but reported that it did not comply with some detailed provisions related to Articles 13 and 14 which it wished to be revised.

Remarks

56. The replies received revealed a rather wide range of opinions regarding the future ratification prospects for this Convention. On the one hand, 11 member States reported that they were examining, or would be examining in the near future, the possibility of ratifying this Convention. On the other hand, reports of obstacles to ratification were received from 34 member States. At the same time four member States considered the Convention to be in need of revision. The continued relevance of the Convention was not questioned by any member State.

57. Convention No. 158 is an important Convention, which regulates sensitive issues, and which has generated differing views among constituents. The present situation does not appear to be satisfactory. On the one hand, while the ratification prospects are not unfavourable, such a wide range of obstacles to ratification have been reported that a further examination seems to be called for in order to mitigate or temper these difficulties. On the other hand, the consultations held have not revealed specific needs for revision and the calls for revision noted have not been frequent.

58. It is proposed that the Working Party continue the examination of the present Convention and entrust the Office with the task of pursuing its research and consultations, with a view to arriving at proposals which could secure a consensus. The results of such research and consultations could be presented to the Working Party in the form of a short survey for consideration at its session in March 1999.

Proposal

59. The Working Party is invited to recommend that the Governing Body request the Office to undertake a short survey concerning the Termination of Employment Convention, 1982 (No. 158), to be submitted to the Working Party for consideration at its meeting in March 1999.
II.3. C.94 -- Labour Clauses (Public Contracts) Convention, 1949

Background

60. In the course of the previous examination of the Convention in November 1996\(^{42}\) it was noted, inter alia, that this Convention was considered to be a valid foundation for national action as well as a ratification target, but that its approach also appeared dated and questioned in a number of countries.

61. In the consultations held during 1997-98, 36 member States\(^{43}\) responded to the request for information on possible obstacles and difficulties affecting ratification of this Convention. It should be recalled that following discussions in the Working Party, member States were not asked for information as to the possible need for revision of this Convention.

Ratification prospects

62. Seven countries reported that ratification was imminent or under serious consideration, while in four others the ratification prospects had to be further examined. The Convention was being examined in Azerbaijan, El Salvador and Luxembourg with a view to its submission to parliament. In Latvia and Sweden the possibility of an imminent ratification was under consideration. Colombia and Romania both considered that the ratification of Convention No. 94 was possible. India stated that the implementation of two recent laws had to be assessed for a few years before the issue of ratification could be examined. Canada indicated that the assessment of the potential for ratification would require a review of the legislation of each jurisdiction. Comoros expressed the wish to ratify Convention No. 94, while indicating that this process was delayed by political and material obstacles. South Africa reported that ratification was not possible at present but that changes in procurement policy might make later ratification possible.\(^{44}\)

Obstacles or difficulties encountered

63. Nine member States\(^{45}\) reported obstacles to ratification due to lack of conformity between the Convention and national legislation, without giving further details.

64. Another eight member States offered more details as to the obstacles encountered. For Chile and Poland, Article 2 represented an obstacle. Singapore stated that its national legislation offered adequate protection and that the ratification of Convention No. 94 would bring about rigidities. Switzerland\(^{46}\) reported that in view of the current status of the railroads, ratification of this Convention would be impossible. In Côte d'Ivoire the ratification of Convention No. 94 was not a priority, and the Czech Republic and the Dominican Republic stated that they did not contemplate ratifying it. Finally China reported that Convention No. 94 did not suit the national situation.
Need for revision

65. Although the consultations did not include a request for information on the need for revision of this Convention, several Members made remarks concerning this issue. The following summary is presented for the information of the Working Party only, and not as part of its decision-making process. Four member States (Austria, Belgium, Finland and Mexico) did not consider there was any need for revision of this Convention at present. Five member States seemed to question the continued relevance of this Convention. Australia, Estonia, and to a certain extent Switzerland, considered the approach of the Convention to labour regulation to be out of date in the light of modern conditions, and questioned whether there was a need for a standard addressing this issue. New Zealand stated that the Convention was "[not] ... appropriate to the present work environment where the same legislative framework applies to all employees and employers, with certain very limited exceptions", and that this Convention "should be considered for abrogation". For the United Kingdom the Convention had lost its relevance and as a consequence it had denounced this Convention in 1982.

Remarks

66. The consultations revealed that ratification of Convention No. 94 was imminent or under serious consideration in seven member States. At the same time several member States reported certain obstacles to ratification, few of which were described in detail. Among the obstacles encountered, Article 2 represented a problem for two member States. The Working Party might propose the maintenance of the status quo with respect to this Convention.

Proposal

67. The Working Party is invited to recommend to the Governing Body the maintenance of the status quo with respect to the Labour Clauses (Public Contracts) Convention, 1949 (No. 94).

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II.4. C.95 -- Protection of Wages Convention, 1949

Background

68. In the course of the previous examination in November 1996, it was noted, inter alia, that Convention No. 95 was among the instruments to be promoted on a priority basis, but it had been questioned whether certain aspects of the payment of wages to migrant workers were satisfactorily covered by the existing provisions of Convention No. 95. In addition to requesting additional information from member States, the Governing Body decided to invite the States parties to this Convention to contemplate ratifying the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), revising Article 11 of Convention No. 95.
69. In the course of the consultations held, 34 member States responded to the request for information on possible obstacles and difficulties to ratification or on the possible need for revision of this Convention.

Ratification prospects

70. Five member States reported that ratification of this Convention was either imminent or under consideration. The Convention was being examined in El Salvador and Luxembourg with a view to its submission to Parliament, and in Latvia the possibility of ratification of this Convention in the near future was under consideration. The Government reported that the Convention was basically suited to the situation in China, but not the highest priority for ratification. Finland had to examine whether a ratification of Convention No. 95 would be in conflict with its obligations under the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173).

71. In addition, three member States stated an interest in the Convention. Ghana and Estonia reported that national legislation conformed to Convention No. 95 and the Republic of Korea reported that studies were being carried out on national legislation which currently does not apply to workplaces with fewer than five employees. In South Africa ratification of the Convention was considered to be important, although some provisions of the Convention might not be adhered to in the agricultural and mining sectors.

Obstacles or difficulties encountered

72. Without proposing a revision, six member States (Japan, Morocco, New Zealand, Qatar, Thailand and the United States) reported difficulties with specific Articles of the Convention.

73. Five other member States reported on obstacles. Of these, Germany, Jordan and Switzerland did not give details of the discrepancies that they held existed between the Convention and national legislation, while Sweden indicated that Convention No. 95 was not relevant and that priority was given to the possible ratification of Convention No. 173.

Need for revision

(a) Revision not envisaged

74. Austria and Colombia specified that they did not seek a revision of this Convention.

(b) Proposals for revision
Method of payment of wages (Article 3(2))

75. Specific calls for revision of Article 3 came from four member States (Australia, Belgium, Chile and the Czech Republic) which all considered the provision regarding the method for paying wages to be out of date and that it should be revised in order to permit payment by bank or electronic transfers.

Other issues

76. Hungary was of the opinion that Article 4 required revision and India, which reported on obstacles concerning the application of Article 2, paragraph 1 and Article 13, wished these concerns to be taken into consideration in a revision of the Convention. The United Kingdom recalled that this Convention had lost its relevance for the United Kingdom and that it had therefore denounced it in 1983.

Remarks

77. The replies indicate the continued relevance and importance of the Convention, as is demonstrated by the fact that a ratification was imminent or under consideration in five member States. Two member States referred to or were examining the relationship between Convention No. 95 and the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173). Although several of the obstacles concerned different provisions of the Convention, no proposals for a revision of Convention No. 95 were made in relation thereto. The only concerted calls for revision pertain to Article 3(2) providing for the method of payment of wages, which was stated to be out of date and in need of a revision in order to permit payment by bank or electronic transfers. It may be recalled that the specific question of payment of wages by bank or postal cheques under Article 3(2) had been raised -- and positively resolved -- in an interpretation of the decisions of the International Labour Conference, at the request of the German Government in 1954. Moreover, it should be noted that the issue related to the payment of wages to migrant workers was not addressed in the responses received. Based on the foregoing and the previous examination, the Working Party may wish to reaffirm the continued relevance of Convention No. 95 to the extent that is has not been revised by Convention No. 173.

Proposals

78. The Working Party is invited to recommend to the Governing Body that it invite member States to contemplate ratifying the Protection of Wages Convention, 1949 (No. 95) [and the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173) to the extent that it revises Article 11 of Convention No. 95].

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II.5. C.153 -- Hours of Work and Rest Periods (Road Transport)
**Convention, 1979**

**Background**

79. In the course of the previous examination of the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153) in March 1996, it was noted, inter alia, that this Convention was one of the recent Conventions that had received few ratifications. Since Convention No. 153 revises the Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67) the three member States that were still party to the latter were invited to contemplate ratifying Convention No. 153.

80. A total of 53 member States responded to the request for information on possible obstacles and difficulties to ratification or on the possible need for revision of this Convention. Several employers' or workers' organizations added their own observations on the issue.

**Ratification prospects**

81. Fourteen member States commented on the prospects for ratification of this Convention. Among these, four member States seemed to consider ratification possible, while two others reported a number of legal obstacles. In Costa Rica, El Salvador and Poland, the issue of ratification was being examined. Turkey considered it possible to ratify the Convention, although no decision to that effect had yet been taken. In South Africa, ratification would only be possible after the adoption of the Basic Conditions of Employment Bill. In Egypt ratification was "delayed" until the promulgation of new labour legislation. In addition, Estonia stated that ratification of the Convention was not a problem, but that it "was not a priority".

82. Denmark reported that deliberations were ongoing as to whether it would be possible to ratify the Convention, but recalled in this context the negotiations within the European Union concerning the preparation of directives in the field of working time, including road transport.

**Obstacles or difficulties encountered**

(a) General obstacles

83. Nineteen member States (Argentina, Australia, Brazil, Chile, China, Colombia, India, Jordan, Lebanon, Mauritius, Morocco, Panama, the Philippines, Poland, Singapore, Sri Lanka, Suriname, Thailand and the United States) referred in their responses, generally, to discrepancies between their national legislation and the Convention.

(b) Relationship between Convention No. 153 and the AETR
84. Twelve member States that are members of the European Union raised several points concerning the situation which has developed since the adoption by the European Economic Community of several regulations concerning the harmonization of working conditions governing road transport. Of specific relevance are the Community Regulations (EEC) No. 2829/77 on the bringing into force of the European Agreement concerning the work of crews of vehicles engaged in international road transport ("AETR"). Belgium reported in this context that the subject-area of Convention No. 153 was covered by EU legislation and that it was awaiting an acceptable and valid solution to the pending question of the ratification of international labour Conventions on subject-areas which are also within the competence of the EU. Similar remarks were submitted by France. It should also be pointed out that ratification of the AETR does not conflict with ratification of Convention No. 153, as is demonstrated by the fact that Switzerland, as a member of AETR, has applied Convention No. 153 since 1981.

85. Four member States of the European Union reported on discrepancies between their national legislation and Convention No. 153. Austria stated that ratification was impossible as the Convention also applied to self-employed drivers, that the Convention went "further than" EEC Directive 3820/85, that Austrian legislation was "brought into line" with EU law in 1992, 1994 and 1997, and that no further amendments were planned for the foreseeable future. Finland considered that the Convention could not be ratified as it was inconsistent with national working hours legislation and Community legislation. In Germany the obstacles to ratification included the lack of exceptions for special types of transport such as postal transport, and the provisions in Articles 7 and 8. The United Kingdom took the view that this Convention had been largely overtaken by events and seemed to be "a prime candidate for revision" to bring it into line with the AETR.

(c) References to specific Articles in the Convention

86. Four member States (Japan, Morocco, Qatar and Sri Lanka) reported difficulties with specific Articles in the Convention.

Need for revision

87. Five member States wished to see Convention No. 153 revised. Estonia considered that it should be revised because "far more questions should be regulated on the basis of the Convention", while New Zealand qualified the Convention as too prescriptive and detailed, and supported revision with a view to making it less detailed. India, Sweden and the United Kingdom were also in favour of a revision of this Convention.

Remarks

88. The replies gave no indication that any ratifications of the Convention were imminent. Several member States reported on obstacles to ratification which were related to discrepancies between national
legislation and the Convention. In addition, other member States which are members of the European Union reported on specific obstacles related to Community law. Five member States expressly requested a revision of Convention No. 153.

89. The Working Party may consider that the ratification prospects for this Convention could be enhanced by way of a possible resolution of the issues related to European Community law. A number of difficulties might still be considered to subsist, however. If so, the Working Party faces a choice between two different solutions. The first would be that the Working Party considers that the consultations conducted and the previous examination provide it with sufficient elements to recommend revision of Convention No. 153, without taking other factors into consideration. The other possible solution would be to decide that a possible revision of this Convention should be considered in the larger context of other proposals for standard-setting activities concerning working time arrangements.

Proposals

90. The Working Party is invited to recommend to the Governing Body either --

(a) the revision of the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153) and the inclusion of this item in the portfolio of proposals for the agenda of the Conference; or

(b) that it include an item concerning working time arrangements in the portfolio of proposals for the agenda of the Conference and to consider a revision of Convention No. 153 in this context.

* * *

II.6. C.132 -- Holidays with Pay Convention (Revised), 1970

Background

91. In the course of the previous examination of this Convention in March 1997, it was noted, inter alia, that this Convention revised the Holidays with Pay Convention, 1936 (No. 52), that since its adoption Convention No. 132 had remained poorly ratified, that the Committee of Experts in 1984 was of the opinion that some of the obstacles reported might be overcome, and that it seemed "likely" that the Convention would receive a number of ratifications. It was also noted that Convention No. 132 had been classified in the category of Conventions to be promoted on a priority basis both in 1979 and in 1987. Eleven of the 55 member States parties to Convention No. 52 have so far decided to ratify the revising Convention No. 132.

92. A total of 47 member States responded, in the course of the consultations held during 1997-98, to the request for information on possible obstacles and difficulties to ratification or on the possible need for revision of this Convention.
Ratification prospects

93. Ten member States commented on the ratification prospects for this Convention. Of these, five member States reported considering a ratification: Belgium\(^{(75)}\) reported that the Convention was not yet ratified, but that it formed part of a series of Conventions for which the ratification procedures could be initiated in the near future; in Denmark work was under way on a full revision of Danish holiday legislation, and in this connection consideration would also be given to whether it would be possible for Denmark to ratify this Convention; in El Salvador the question of submitting the present Convention to parliament for approval was being examined; Lebanon indicated that the issue of ratification would be examined in the future; and the United Kingdom stated that the implementation of the EU Working Time Directive might bring national legislation into conformity with the Convention, but that this issue would have to be examined at a later stage. Three member States reported on the status of tripartite consultations regarding this issue: the Dominican Republic reported that there was no obstacle to ratification of Convention No. 132, and that consultations with the employers' and workers' organizations were ongoing; Ghana indicated that the issue of ratification would be submitted in due time to the competent tripartite organ; and Romania reported that, after tripartite consultations, this Convention had been designated as suitable for ratification.

Obstacles or difficulties encountered

94. Of a total of 31 member States reporting obstacles or difficulties, 15\(^{(76)}\) member States reported specific problems with individual Articles in the Convention.\(^{(77)}\)

95. Of the other 16 member States, six reported the following difficulties: Australia noted that some Australian jurisdictions did not have legislation concerning paid annual leave, and that Australia could therefore not demonstrate full compliance; the Comoros reported having material and political obstacles; the Philippines reported in particular that employees in establishments regularly employing fewer than ten workers, domestic helpers and managerial employees were not covered by the relevant national legislation; Singapore considered that the ratification of this Convention would bring about rigidities; the Syrian Arab Republic referred to its ratification of Convention No. 52 which it felt to be sufficient; and finally the United States reported that there was no federal law of general applicability requiring holiday or vacation leave. The other ten member States\(^{(78)}\) did not specify the nature of the obstacles or difficulties they encountered.

Need for revision

(a) Revision not envisaged

96. Four member States (Austria, Czech Republic, Hungary and Mexico) did not seek a revision of the Convention.
(b) Proposals for revision

97. Seven member States proposed a revision of this Convention, each suggesting different directions that such a revision might take: Egypt considered that the Convention should be partially revised so as to allow the granting of paid educational leave according to working conditions, and that Article 8(2) should be revised to reduce the minimum requirement of two weeks of uninterrupted holiday; Estonia had no basic problem ratifying the Convention, but could envisage partial revision of the Convention in the light of the European Social Charter; Finland considered that the Convention continued to serve its purpose, but that certain provisions, including Article 13, were obsolete and that a revision should further aim at taking into account atypical employment contracts as well as the principles laid down in the EU agreement on part-time work; New Zealand considered the Convention too prescriptive and too detailed, and would support a revision with a view to making it less detailed; in the same vein, Qatar proposed a revision of Article 9 with a view to its simplification; Thailand considered that the existing provisions of the Convention were suitable only for developed countries and suggested a revision of Article 3(3) and Article 5; more generally, the Republic of Korea (joined by Finland) called for a revision of the Convention with a view to allowing for a flexible application that would facilitate its ratification.

Remarks

98. As regards the prospects for ratification, some member States were considering the question of ratification although there was no report of any imminent ratification. Some 31 member States reported obstacles to ratification. Several reports were unspecific as to the nature of the obstacles, but 15 member States referred to difficulties with specific Articles of the Convention. Seven member States proposed a revision of the Convention while four member States did not seek a revision of this Convention.

99. The situation with respect to Convention No. 132 seems, in several respects, to be similar to that regarding Convention No. 158, examined above: uncertain prospects for ratification; a significant number of obstacles and difficulties noted; and a limited number of calls for revision. The proposed solution could be the same as in the case of Convention No. 158, that is that the Working Party entrusts the Office with the task of pursuing its research and the consultations with respect to this Convention with a view to arriving at proposals that could meet a consensus. The results of such research and consultation could be presented to the Working Party in the form of a short survey for consideration at its meeting in March 1999.

Proposal

100. The Working Party is invited to recommend that the Governing Body request the Office to undertake a short survey concerning the Holidays with Pay Convention (Revised), 1970 (No. 132), to be submitted to the Working Party for consideration at its meeting in March 1999.
II.7. C.140 -- Paid Educational Leave Convention, 1974

Background

101. In the course of the previous examination of this Convention in March 1997, it was noted, inter alia, that the Convention had received a relatively low number of ratifications, that economic or financial difficulties were specially important in the application of this Convention, and that it was a promotional and flexible Convention. Reference was also made to the Committee of Experts, which had addressed a number of problems in the General Survey of 1991 and which noted in 1995 a revival of interest in this Convention manifested, inter alia, by additional ratifications. At the Conference in 1995, the Employer members remarked, however, that the global number of ratifications of Convention No. 140 was only 28 and that there were still a number of problems concerning the practical application of this Convention.

102. In the course of the consultations held during 1997-98, a total of 45 member States responded to the request for information.

Ratification prospects

103. Of the 14 member States responding on this question, ratification seemed imminent in two member States (Chile and Costa Rica) where the Convention had been submitted to parliament. In four member States (Denmark, El Salvador, Latvia and Norway) the issue of ratification was under consideration. Denmark specified that a recent change in legislation seemed to have made ratification possible and that this issue was due to be examined in its Permanent ILO Committee on a tripartite basis. No specific obstacles were reported from five member States (Italy, Republic of Korea, Luxembourg, Romania and Turkey). Luxembourg added that current legislation did not adequately cover these issues, but that a bill on vocational training was under preparation. Three member States (Côte d'Ivoire, Dominican Republic and Singapore) declared that they did not contemplate ratifying the Convention.

Obstacles or difficulties encountered

104. Of the 24 member States reporting obstacles to ratification, 16 made either a general reference to differences between national legislation and the Convention which made ratification impossible, or reported a lack of corresponding legislation. The obstacles reported by the other eight member States included: only work council members were entitled to paid educational leave (Austria); the application of the Convention to the informal sector was problematic (Ghana); trade unions considered that trade union leave was not an independent type of educational leave (Estonia); facilities for vocational training and workers' education were limited and did not extend to all workers (India); compliance with Article 2 was a problem (Japan); and the main obstacle to ratification was the economic situation...
Need for revision

(a) Revision not envisaged

105. Five member States (Austria, Czech Republic, Greece, Hungary and Suriname) did not seek the revision of this Convention.

(b) Proposals for revision

106. Two member States proposed revisions: paid educational leave should be awarded "according to working conditions" (Egypt); and account should be taken of new working time arrangements, in particular part-time work (Belgium).

(c) Continued relevance of the Convention

107. Both New Zealand (85) and Switzerland (86) considered that this kind of education and training was an issue for employers and employees to decide for themselves, and that it was not an appropriate subject for the ILO to regulate. New Zealand further suggested that this Convention should be abrogated. Furthermore, the Republic of Korea suggested that Convention No. 140 be integrated into Convention No. 142 or adopted as a supplementary Recommendation to it.

Remarks

108. The consultations revealed that some ratifications could be expected very soon and that ratification was being seriously considered in a few other countries. In addition, several member States specifically noted that no revision was required. The consultations also revealed that a relatively large number of countries experienced obstacles to ratification. In most cases, no further details were given of these obstacles. It should be recalled that during the examination of this Convention in the Working Party, the Employer members raised the possibility of the Office carrying out a special study on the status of Convention No. 140. (87) The Working Party may accordingly wish to confirm that member States should be invited to contemplate ratifying this Convention, and also request the Office to undertake a short survey of the issues raised during the consultations and report to the Working Party in March 1999.

Proposals

109. The Working Party is invited to recommend that the Governing Body --

(a) invite member States to contemplate ratifying the Paid Educational Leave Convention, 1974 (No. 140);
(b) request the Office to undertake a short survey concerning Convention No. 140, to be submitted for consideration by the Working Party at its meeting in March 1999.

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II.8. C.13 -- White Lead (Painting) Convention, 1921

Background

110. In the course of the previous examination of this Convention in March 1997, it was noted, inter alia, that Convention No. 13 had not been revised since its adoption in 1921, that it had been classified as a Convention to be promoted on a priority basis both in 1979 and in 1987, but that in 1988 the Committee of Experts considered that there were "increasing difficulties encountered in the application of Article 3, paragraph 1, of the Convention". It was envisaged in March 1997 that at least a partial revision of the Convention, possibly in the form of a Protocol, could be considered.

111. In total, 35 member States replied in the course of the consultations to the request for information on the possible obstacles and difficulties affecting ratification or on the possible need for revision of this Convention.

Ratification prospects

112. Two member States reported considering ratification (Portugal and El Salvador), while three other member States (China, Dominican Republic, and Sri Lanka) did not contemplate ratifying it.

Obstacles or difficulties encountered

113. Fifteen member States reported obstacles to ratification. Four member States had difficulties with specific Articles in the Convention. The Republic of Korea and Mauritius, both had difficulties with Article 1 and Mauritius also with Article 3 and Article 5, paragraphs 1, 2 and 4. Australia and Denmark both objected to the provisions in Article 3 providing for protective measures only for women and young workers.

114. Nine other member States made either a general reference to differences between national legislation and the Convention which made ratification impossible (Canada, China, Costa Rica, South Africa, Sri Lanka, Syrian Arab Republic and Turkey) or reported a lack of corresponding legislation (Brazil and United States). Japan declared that conformity could not be ensured as white lead was still in use for painting inside buildings, and Ghana explained that the national Standards Board was not equipped with sufficient machinery and staff to monitor safety standards in the lead industry.
Need for revision

(a) Revision not envisaged

115. Five member States (Austria, Finland, Greece, Hungary and Qatar) did not see any need to revise the Convention.

(b) Proposals for revision

116. Nine member States proposed a revision of this Convention. Three member States (Belgium, Poland, and Singapore) identified problems with specific Articles of the Convention. Another three member States (Denmark, Germany and New Zealand) specifically objected to the provisions in Article 3 on the ground that the protection provided should be gender-neutral. Two member States offered specific proposals: the scope of the Convention should be broadened, in particular to extend to all activities involving workers' exposure to white lead poisoning and preventive measures should be introduced in a broader and more elaborate way (Thailand); a ban of the use of other lead pigment should be introduced, and the use of personal protective equipment should be prescribed (Czech Republic). The Republic of Korea considered that should a revision be decided, the Convention should contain only basic principles, as details should be part of a Recommendation. Chile favoured a revision but did not offer any details.

(c) Continued relevance of the Convention

117. Seven member States questioned the continued relevance of this Convention. Australia and Denmark both questioned whether there was a need for a specific standard on this issue or whether there was a need for Conventions concerning specific substances. Five member States (Germany, Egypt, New Zealand, United Kingdom and Uruguay) were of the view that the Convention either was obsolete or had "no practical benefit" due to the current limited use of white lead in paint.

Remarks

118. The consultations revealed a series of concerns regarding this Convention. The ratification prospects seemed virtually non-existent and a significant number of member States reported obstacles to ratification. Furthermore, several member States either considered that there was a need for revision of the Convention or questioned its continued relevance. One of the main concerns regarding the content of the Convention were the provisions in Article 3 providing for special rules for women and young workers. The continued relevance of the Convention was questioned in two ways. On the one hand, it was maintained that the Convention no longer had any purpose as white lead was no longer used in paint production. On the other hand, the basic logic of the Convention -- to regulate the use of a single hazardous substance in a Convention -- was questioned. As in the case of Convention No. 136, examined above, the Working Party could recommend that the revision of Convention No. 13 be taken
up in the context of a consideration of standard-setting activities related to the use of hazardous substances.

Proposals

119. The Working Party is invited to recommend that the Governing Body contemplate the revision of the White Lead (Painting) Convention, 1921 (No. 13), and the inclusion of this revision in an item concerning the use of hazardous substances in the portfolio of proposals for the agenda of the Conference.

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II.9. C.119 -- Guarding of Machinery Convention, 1963

Background

120. In the course of the previous examination of the Convention in March 1997, it was noted, inter alia, that there seemed to be technical difficulties in the implementation of the Convention, that existing national legislation tended to be more general in scope than the provisions of the Convention, and 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 in Part II of the Convention preventing a transfer of dangerous machinery. Although the Convention seemed to retain its value as a guide for national action in this field, it had been suggested to adopt a Protocol to the Convention to prescribe rules in a related field -- safety in the international transfer of machinery and technology.

121. In the course of the consultations held during 1997-98 responses were received from 38 member States on possible obstacles and difficulties affecting ratification or on the possible need for revision of this Convention.

Ratification prospects

122. Seven member States (Australia, Chile, Czech Republic, El Salvador, Estonia, Luxembourg, and South Africa) reported considering ratification. In addition, in two member States (Lebanon and Romania) the Convention had been declared suitable for ratification after tripartite consultations or was under consideration in this regard.

Obstacles or difficulties encountered

123. Twenty member States reported obstacles to ratification. Of these nine member States (Austria, Belgium, Canada, France, Republic of Korea, Mexico, New Zealand, Sri Lanka, and United
States) identified difficulties related to specific Articles in the Convention. New Zealand added that it considered that the Convention was an incomplete guide to hazard identification and control.

124. Four member States (Costa Rica, Cuba, Thailand and United Kingdom) noted existing, or possible, discrepancies between the Convention and national legislation, without further specification, and three member States (Comoros, Egypt and Mauritius) envisaged problems with the implementation of the Convention. The Netherlands was of the opinion that the Convention was not compatible with relevant EC Directives.

Need for revision

(a) Revision not envisaged

125. Austria, Finland, Greece, Mexico and Qatar did not seek a revision of this Convention.

(b) Proposals for revision

126. In all, eight member States proposed revision of this Convention. Belgium and France proposed an updating of the Convention in the light of the new concepts progressively being applied in the field of occupational risks. Denmark, Hungary and Poland considered that there was a need for revision in the light of new technical developments. Poland proposed specifically a revision with a view to complementing Article 2(3) as follows:

1. Any machinery designated for team operation or presenting danger for the environment should be equipped with danger signal, easily perceived and intelligible.

2. Machinery should be equipped with safety marks and colours.

127. Finland and Germany both proposed that, in the event of a revision, a comprehensive approach should be taken to bring the Convention into line with EU guidelines in the matter. Ghana evoked the problem of underdeveloped countries which often import second-hand machinery, and suggested that the Convention be partially revised to take this situation into account.

Remarks

128. This Convention has continued to attract some ratifications. At the same time, however, a substantial number of member States reported obstacles to ratification. These obstacles were, in several cases, related to difficulties with specific Articles in the Convention. Furthermore, several member States made specific proposals for a revision of the Convention invoking the need to adapt the Convention to new concepts in the field of occupational safety and health and to technical developments regarding machinery. In addition, the need to ensure compatibility between the Convention and EU
legislation was mentioned. The Working Party might accordingly consider recommending a revision of Convention No. 119, possibly by way of a partial revision and the adoption of a Protocol.

Proposal

129. The Working Party is invited to recommend to the Governing Body the revision of the Guarding of Machinery Convention, 1963 (No. 119), and the inclusion of this item in the portfolio of proposals for the agenda of the Conference.

II.10. C.152 -- Occupational Safety and Health (Dock Work) Convention, 1979

Background

130. In the course of the previous examination of this Convention in March 1996, it was noted, inter alia, that since its adoption there had been a fairly steady trend towards the ratification of Convention No. 152 and that Convention No. 152 contained updated provisions revising two earlier Conventions (No. 28 and No. 32).

131. In the course of the consultations held during 1997-98, a total of 46 member States responded to the request for information.

Ratification prospects

132. Sixteen member States seemed to be considering ratification of this Convention. A ratification appeared imminent in four member States (Azerbaijan, Costa Rica, Italy and Netherlands) and in another four member States (Czech Republic, El Salvador, Latvia and Luxembourg) ratification was under serious consideration. In five member States (Australia, Belgium, Hungary, Romania and Turkey) the Convention was considered an appropriate target for ratification or could be ratified subject to certain amendments to national legislation. In three other member States (India, Ghana and United Kingdom) a ratification had to be examined in the light of recent changes in national legislation or subjected to tripartite examination.

133. Three member States (China, Côte d'Ivoire and Dominican Republic) did not see ratification as a priority or did not contemplate ratifying this Convention.

Obstacles or difficulties encountered

134. Obstacles to the ratification of the Convention were reported by 20 member States. In 11 of these
Need for revision

(a) Revision not envisaged

135. Austria, Finland, Greece and Thailand did not seek a revision of this Convention, and Ghana considered Convention No. 152 to be fully relevant.

(b) Proposals for revision

136. Three member States (Colombia, Lebanon, and Philippines) mentioned a few limited suggestions for revision, inter alia, to bring it into conformity with specific conditions concerning occupational safety and health.

Remarks

137. The ratification prospects for this Convention were encouraging in that ratification seemed to be imminent or under serious consideration in eight member States. At the same time, however, several member States reported obstacles to ratification mainly related to discrepancies between the Convention and national legislation. A few member States reported difficulties with specific Articles in the Convention including Article 37, while very few calls for revision were made. The Working Party may consider that the consultations conducted and the previous examination provide it with sufficient elements to confirm that Convention No. 152 is the up-to-date standard in this field and that its ratification should be promoted. As it is a Convention which revises two earlier Conventions, Conventions Nos. 28 and 32, States parties to the latter Conventions should be invited to contemplate ratifying Convention No. 152.

Proposal

138. The Working Party is invited to recommend that the Governing Body invite member States, and especially the States parties to the Protection against Accidents (Dockers) Convention, 1929 (No. 28), and to the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32), to contemplate ratifying the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152).
Final remarks

139. It will be recalled that the Working Party has requested that the Office prepare annually a detailed document concerning follow-up on decisions relating to the policy regarding the revision of standards. The first such document was submitted to the Working Party at its meeting in November 1997. It is proposed that a second such document be prepared for consideration by the Working Party at its November 1998 meeting and that this document would follow the pattern of the first report.

140. In the second stage of the consultations that could be undertaken during the course of 1998, it is proposed to recall to member States the decisions taken with respect to the promotion of up-to-date revised Conventions. It was decided to invite the States parties to Conventions that were no longer up-to-date to contemplate ratifying the recent Convention and denouncing, at the same time, the corresponding previous Convention. Should the Working Party so decide, such consultations could be undertaken by addressing a communication to member States to that effect. A report analysing the outcome of such consultations would be submitted to the Working Party for consideration at its meeting in November 1998.

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


Points for decision:

Paragraph 18;
Paragraph 31;
Paragraph 40;
Paragraph 48;
Paragraph 59;
Paragraph 67;
Paragraph 78;
Paragraph 90;
Paragraph 100;
Paragraph 109;
Paragraph 119;
Paragraph 129;
Paragraph 138;
Paragraph 141
1. A total of 72 responses were received. Even though the completion of this document was delayed in order to take as many replies as possible into account, those received after 20 February 1998 could not be considered. It should be noted that not all member States have offered opinions on all the issues raised. The ensuing analysis has been structured on the basis of the responses received.

2. A document containing an analysis of observations received from 34 member States was submitted to the Working Party at its fifth meeting in November 1997 (GB.270/LILS/WP/PRS/1/2). Due to lack of time, the consideration of this document had to be postponed and the Working Party decided to transmit a renewed invitation to the member States to submit their observations.

3. The views of the social partners have been indicated separately only when they explicitly differ from those of their governments.

4. GB.268/LILS/PR/1, section VIII.5, and GB.268/8/2, Appendix II, paras. 85-87.

5. Argentina, Australia, Austria, Bahrain, Belgium, Brazil, Canada, Chile, China, Comoros, Costa Rica, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Finland, France, Germany, Greece, Hungary, India, Italy, Jordan, Lebanon, Mauritius, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Philippines, Portugal, Qatar, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, United Kingdom.

6. Australia, Canada, Denmark, El Salvador, Finland, Germany, Morocco, Norway, Sweden, Switzerland, United Kingdom. The German Confederation of Trade Unions, however, was opposed to total deletion of Article 7 and suggested that a regulation establishing acceptable protective provisions for women and young workers be adopted.

7. GB.268/LILS/PR/1, section VIII.6 and GB.268/8/2, Appendix II, paras. 88-90.

8. Australia, Austria, Azerbaijan, Belgium, Brazil, Canada, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, India, Italy, Jordan, Lebanon, Malaysia, Mexico, Myanmar, Netherlands, New Zealand, Norway, Panama, Philippines, Poland, Portugal, Qatar, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, United Kingdom.

9. An employers' organization considered the Convention to be obsolete and suggested it be abrogated.

10. A South African employers' organization considered, however, that Convention No. 170 or the Occupational Safety and Health Convention, 1981 (No. 155), was a more suitable ratification target, and that Convention No. 136 should be abrogated.
11. In addition, two employers' organizations in Finland disagreed with their Government and did not consider that this Convention was in need of revision.

12. A German workers' organization, however, called for the revision of Convention No. 136 with a view to adopting a Convention relating to substances which are carcinogenic, mutagenic, embryo toxic and injurious to reproduction.

13. [GB.268/LILS/WP/PRS/1, section VIII.9, and GB.268/8/2, Appendix II, paras. 96-98.]

14. Argentina, Australia, Austria, Belgium, Canada, Chile, China, Comoros, Costa Rica, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Hungary, India, Jordan, Lebanon, Mexico, Myanmar, Netherlands, New Zealand, Philippines, Portugal, Qatar, Singapore, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, United Kingdom.

15. These proposals included requiring that the weight be marked for general cargo units under 1,000 kg, as well as the centre of gravity or heaviest side of the cargo, if the contents are shifted in relation to the centre; that units of cargo weighing more than 1,000 kg should be handled by means of appropriate technical equipment; that the weight of the load should be known in connection with lifting, for example, by cranes; and that the employer should be under an obligation to inform employees, inter alia, of the weight and centre of gravity of the load if this was possible in practical terms.

16. In addition, an employers' organization in New Zealand considered that the Convention was not "significantly relevant to modern shipping conditions" and should therefore be abrogated, and an employers' organization in Chile and a workers' organization in Switzerland both considered the Convention to be obsolete.

17. [GB.268/LILS/WP/PRS/1, section II.5, and GB.268/8/2, Appendix II, paras. 45-48.]

18. Australia, Austria, Azerbaijan, Belgium, Brazil, Canada, China, Comoros, Costa Rica, Cuba, Colombia, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, Germany, Ghana, Hungary, India, Italy, Jordan, Republic of Korea, Latvia, Lebanon, Luxembourg, Mauritius, Mexico, Morocco, New Zealand, Panama, Philippines, Poland, Qatar, Romania, Singapore, South Africa, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, Turkey, United Kingdom, and United States.

19. However, the employers' organizations represented in the "Conseil National du Travail" opposed the ratification of Convention No. 156 as there was a sufficient number of laws, regulations and collective agreements covering these issues.

20. An employers' organization in South Africa cautioned against ratification of the Convention "until the economy allows for it".
21. A Canadian employers' organization was of the opinion that the broad wording of the Convention might create some difficulties for employers; there is a need for a broad national debate before ratification could be considered.

22. A workers' organization in the United Kingdom insisted that Convention No. 156 be ratified and legislative reforms be carried out.

23. A Korean employers' organization saw no obstacle to the ratification of Convention No. 156.

24. Article 1: Austria and Morocco; Articles 5, 6, 7 and 9: Sri Lanka; Articles 3 and 4 Mauritius; and Article 8: Austria, Denmark, Poland, United Kingdom, and United States.

25. A workers' organization in Germany considered this argument unconvincing. An employers' organization proposed revision of the Convention in order to make it "more practical and realistic".

26. A workers' organization in Switzerland wished to see the Convention ratified.

27. Finland also proposed that account be taken to atypical employment contracts; the introduction of a provision allowing for the use of temporary affirmative action for the attainment of real effective equality and a revision of the conditional clauses in the Convention, which left room for different interpretations.

28. In New Zealand a workers' organization wished to see Convention No. 156 ratified, while an employers' organization raised the possibility of "merging" Conventions Nos. 111 and 156.

29. GB.268/LILS/WP/PRS/1, section III.4, and GB.268/8/2, Appendix II, paras. 56-58.

30. One ratification was registered in 1997: Republic of Moldova. As at 28 February 1998, Convention No. 158 had received 28 ratifications.


32. Argentina, Australia, Austria, Azerbaijan, Belgium, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, Germany, Ghana, Hungary, India, Italy, Japan, Jordan, Republic of Korea, Latvia, Lebanon, Luxembourg, Mauritius, Mexico, Netherlands, New Zealand, Norway, Panama, Philippines, Poland, Qatar, Romania, Singapore, South Africa, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, United Kingdom, United States, and Uruguay.

33. Including employers' organizations from Belgium, Canada, Chile, Germany, Republic of Korea and Mauritius and workers' organizations from Belgium, Czech Republic, Finland, Germany, India, Switzerland, New Zealand and United Kingdom.

34. Azerbaijan, Chile, Costa Rica, Comoros, Denmark, El Salvador, Ghana, Italy, Republic of Korea, Latvia, Norway, South Africa, Sri Lanka, and Suriname. An employers' organization in Chile was opposed to ratification, however.

35. Articles 2 and 4; United Kingdom; Article 5(b): United Kingdom; Article 7; Republic of Korea, Japan, Poland, and United States; Article 9; United States; Article 9(2): Japan; Article 11: United Kingdom; Article 12.1(a): Czech Republic; Article 12.1(b): Mauritius; Article 14: Japan; and Articles 13.1(a) and 14(2): Czech Republic.

36. The workers' representatives in the "Conseil National du Travail" asked for the modification of the national legislation and the ratification of Convention No. 158, while the employers' representatives recalled their opposition to the ratification of the instrument.

37. A Swiss workers' organization would favour a ratification, while recognizing that there are obstacles to ratification. This organization submits that the Swiss legislation should adapt to the provisions of the Convention and European standards.

38. The legal obstacles had increased as compared to the situation in 1994 when Germany reported to the Committee of Experts in accordance with article 19, para. 5(e) of the Constitution.

39. An employers' organization in Germany considered this Convention to be a "striking example of a Convention with lack of realism and flexibility".

40. A workers' organization in Finland made an extensive revision proposal including a proposal "to upgrade" Article 2(5) so as to prevent the use of fixed-term employment contracts for the purposes of evading employment security rules; to reword the economic and operational justifications for termination listed under Article 4 for greater accuracy; to expand the list of examples under Article 5 to include, among other factors, age, sexual orientation and the active promotion of one's own or others' interests; to place the burden of proving the existence of a valid reason for termination (Article 9) on the employer; to reword Article 10 for greater accuracy; to ensure that the Convention adequately safeguard workers' and their representatives' right to information, their right to be heard, and their right to negotiate prior to decision-making; and, finally, to move Paragraph 13 from the Recommendation and include it in the Convention.

41. In New Zealand, a workers' organization was opposed to revision, while an employers' organization proposed a revision to "improve the flexibility"of the Convention.

42. GB.267/LILS/WP/PRS/2, section III.5, and GB.267/9/2, Appendix III, paras. 23-26.
43. Australia, Austria, Azerbaijan, Belgium, Canada, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Czech Republic, Dominican Republic, El Salvador, Estonia, Finland, Germany, Ghana, Hungary, India, Japan, Republic of Korea, Luxembourg, Mexico, New Zealand, Poland, Romania, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, United Kingdom, and United States.

44. However, an employers' organization in South Africa proposed a revision to bring the Convention more into line with the WTO/GATT Agreement on Government Procurement.

45. Chile, Germany, Hungary, Japan, Republic of Korea, Mexico, Sri Lanka, Thailand, and United States. A German workers' organization considered, however, that the arguments of the Government on the obstacles to ratification were not convincing. On the other hand, a German employers' organization considered the Convention to be fundamentally ill-conceived, and that it should be shelved and later abrogated.

46. A Swiss workers' organization was however of the opinion that its ratification should be possible.

47. However, two workers' organizations in Finland proposed extending the scope of application of the Convention to include not only public contracts entered into by the State, but also contracts involving other public entities.

48. A workers' organization of the United Kingdom was however of the opinion that Convention No. 94 should be ratified again.

49. GB.267/LILS/WP/PRS/2, section III.4, and GB.267/9/2, Appendix III, paras. 21-22.

50. Australia, Austria, Belgium, Canada, Chile, China, Cuba, Colombia, Czech Republic, Denmark, El Salvador, Estonia, Finland, Germany, Ghana, Hungary, India, Japan, Jordan, Republic of Korea, Latvia, Luxembourg, Mauritius, Morocco, New Zealand, Qatar, Singapore, South Africa, Sweden, Switzerland, Syrian Arab Republic, Thailand, United Kingdom, and United States.

51. In Finland, three workers' organizations considered ratification was possible and desirable, while an employers' organization maintained that Convention No. 173 de facto had superseded Convention No. 95 and that there was no need to ratify separate Conventions which overlap to a great extent.

52. Estonia questioned, however, the continued relevance of the Convention.

53. A Korean employers' organization saw no obstacle to its ratification.

54. Article 2(2): Qatar; Article 3(2): United States; Article 4: Japan, New Zealand and Morocco; Article 5: Japan; Article 7: New Zealand; Article 11: Thailand and Qatar; and Article 13: Japan, New Zealand
55. A Swiss workers' organization disagreed with the Government as to the existing obstacles and considered that ratification was possible. The same opinion was expressed by a German workers' organization.

56. The workers' representatives in the Conseil National du Travail warned against a revision making compulsory the payment by bank transfer.

57. In Chile a workers' organization stated that they would agree to ratification of this Convention once the proposed revision had been undertaken, while an employers' organization considered the Convention to be obsolete and generally in need of revision.

58. A workers' organization of the United Kingdom called for ratification of Convention No. 95.


60. GB.265/LILS/PR/PRS/1, section V.3, and GB.268/LILS/5, paras. 61-63.

61. At the time of the previous examination it had received seven ratifications, and as at 1 January 1998 no new ratifications had been recorded.

62. GB.265/LILS/PR/PRS/1, section IV.2, and GB.268/LILS/5, para. 49.

63. Argentina, Australia, Austria, Azerbaijan, Belgium, Brazil, Canada, Chile, China, Comoros, Costa Rica, Colombia, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, India, Japan, Jordan, Republic of Korea, Latvia, Lebanon, Luxembourg, Mauritius, Morocco, Netherlands, New Zealand, Norway, Panama, Poland, Philippines, Qatar, Romania, Singapore, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Turkey, United Kingdom and United States.

64. Employers' organizations from Belgium, Germany, Republic of Korea, Mauritius, South Africa and Turkey. Workers' organizations from Belgium, Chile, Finland, Germany, and India.

65. Azerbaijan, Comoros, Costa Rica, Czech Republic, Denmark, Egypt, Estonia, Ghana, Greece, Republic of Korea, Luxembourg, Romania, South Africa, Turkey.

66. A Turkish employers' organization disagreed and provided a detailed explanation of their reasons to oppose ratification of the Convention.

67. An employers' organization in South Africa considered, however, that it could not support
ratification of this Convention at the present stage in view of the ongoing debate on working conditions and transport policy in South Africa.

68. However, a workers' organization in Chile was in favour of ratification.


70. Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Sweden and United Kingdom. These 12 States have ratified the AETR.

71. Two Finnish workers' organizations were of the opinion, however, that there were only "minor" inconsistencies between the Convention and EC legislation and that ratification of the Convention throughout Europe was desirable.

72. Articles 4(2), 6, 7, and 8(1): Morocco; Articles 1(2), 5, 6 and 8: Japan; Articles 6(1) and 8: Qatar; and Articles 1(2), 2(2), 5(1), 6(1), 7(1), 10 and 11(a): Sri Lanka.

73. GB.268/LILS/WP/PRS/1, section VII.7, and GB.268/8/2, Appendix II, para. 76.

74. Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Ghana, Greece, Hungary, India, Japan, Jordan, Republic of Korea, Lebanon, Mexico, Morocco, Netherlands, New Zealand, Panama, Philippines, Poland, Qatar, Romania, Singapore, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Turkey, United Kingdom, and United States.

75. The employers' representatives in the "Conseil National du Travail" were, however, of the opinion that there existed a sufficient number of laws, regulations and collective agreements governing the matter, and they therefore opposed the ratification of Convention No. 132 by Belgium.

76. Austria, Canada, Cuba, France, India, Japan, Republic of Korea, Lebanon, Netherlands, Mauritius, Mexico, Morocco, Poland, Qatar and Sri Lanka.

77. Article 2: Sri Lanka; Article 3: Canada, Japan, Lebanon, Mauritius, Mexico and Sri Lanka; Article 4: France and Japan; Article 5: Cuba, France, India, Republic of Korea, Mauritius and Sri Lanka; Article 6: Austria, Cuba and Poland; Article 7: Austria, France, Japan, Poland and Sri Lanka; Article 8: Japan, Korea, Morocco and Sri Lanka; Article 9: Austria, France, Japan, Netherlands, Poland and Qatar; Article 10: Japan and Qatar; Article 11: Japan; Article 12: Poland; Article 14: Poland.

78. Argentina, Chile, China, Costa Rica, Greece, Jordan, Panama, South Africa, Suriname and Turkey.
A Chilean workers' organization was, however, in favour of the ratification of Convention No. 132.

79. A Finnish workers' organization suggested an extension of the examples mentioned in Article 5, para. 4.

80. GB.268/LILS/WP/PRS/1, section VII.8, and GB.268/8/2, Appendix II, paras. 77-80.

81. Argentina, Australia, Austria, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, Ghana, Greece, Hungary, India, Italy, Japan, Jordan, Republic of Korea, Latvia, Lebanon, Luxembourg, Mauritius, Morocco, New Zealand, Norway, Panama, Philippines, Qatar, Romania, Singapore, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Turkey, United States, and Uruguay. In addition, comments were received from the social partners in South Africa.

82. Argentina, Australia, Canada, China, Egypt, Jordan, Lebanon, Morocco, Panama, Qatar, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, and United States. In addition, a Canadian employers' organization stated its opposition to the ratification of this Convention.

83. Two workers' organizations in India supported the ratification of this Convention.

84. The same argument was raised by a South African employers' organization which reported that while training, in general, was needed, the ratification of this Convention could not be supported at the present stage of South Africa's development.

85. While an employers' organization in New Zealand agreed with this position, a workers' organization considered this to be an important Convention which New Zealand should ratify.

86. A Swiss workers' organization called for the ratification of this Convention.

87. GB.268/LILS/5(Rev.1), paras. 77-78, Appendix II to GB 268/8/2. See also GB.270/LILS/WP/PRS/1/1, para. 11.

88. GB.268/LILS/WP/PRS/1, section VIII.2, and GB.268/8/2, Appendix II, para. 35.

89. Australia, Austria, Belgium, Brazil, Canada, Chile, China, Costa Rica, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Finland, Germany, Ghana, Greece, Hungary, Japan, Republic of Korea, Mauritius, New Zealand, Poland, Portugal, Qatar, Singapore, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Turkey, United Kingdom, United States, and Uruguay.

90. A Korean employers' organization added that there was no relevant legislation in the Republic of Korea.
91. An employers' organization in South Africa considered, however, that there was no reason to single out lead for special regulation and that this Convention was outdated and should be "deleted", particularly in view of the fact that the Occupational Safety and Health Convention, 1981 (No. 155), and the Chemicals Convention, 1990 (No. 170), were also available.

92. Article 1: Belgium, Poland and Singapore; Article 2: Poland; Article 3(2): Poland; Article 5: Belgium and Poland; and Article 7: Belgium.

93. Germany did not propose a revision as it considered the Convention "technically obsolete".

94. GB.268/LILS/WP/PRS/1, section VIII.4, and GB.268/8/2, Appendix II, para. 84.

95. Australia, Austria, Belgium, Canada, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, India, Republic of Korea, Lebanon, Luxembourg, Mauritius, Mexico, New Zealand, Netherlands, Poland, Qatar, Romania, South Africa, Sri Lanka, Suriname, Thailand, United Kingdom, and United States.

96. The employers' representatives in the "Conseil National du Travail" opposed the ratification of Convention No. 119.

97. A Korean employers' organization reported that there was no specific obstacle to ratification.

98. Article 2: Republic of Korea, Mexico and Sri Lanka; Article 3: Mexico and United States; Article 4: Mexico and United States; Article 5: Mexico; Article 9: Belgium and New Zealand; Article 11(1): Austria and France; and Article 13: United States.


100. GB.265/LILS/WP/PRS/1, section V.9, and GB.265/LILS/5, para. 71.

101. Argentina, Australia, Austria, Azerbaijan, Belgium, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Dominican Republic, El Salvador, Estonia, Finland, Ghana, Greece, Hungary, India, Italy, Japan, Jordan, Republic of Korea, Latvia, Lebanon, Luxembourg, Mauritius, Morocco, Netherlands, New Zealand, Panama, Philippines, Qatar, Romania, South Africa, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, Turkey, United Kingdom and Uruguay.

102. While the workers' representatives in the "Conseil National du Travail" asked for the required
amendments to be adopted soon, the employers' representatives opposed the ratification of this Convention.

103. An employers' organization in Chile agreed with the Government, but a workers' organization was in favour of ratification.

104. An employers' organization in Mauritius indicated that the technical standards and codes of practice referred to in Article 4, para. 3, were not relevant for Mauritius.

105. Article 4, para. 2(o): Canada; Article 3: Austria; Articles 22, 23, 25 and 27: Japan; Article 37: Austria, Japan and New Zealand. A workers' organization in New Zealand called for the amendment of national legislation to ensure conformity with Article 37 of the Convention. An informal interpretation of Article 3 (definition of "lifting appliance") had been provided by the Office at the request of the Government of the United States.

106. GB.270/LILS/WP/PRS/1/1.