



Working Party on Policy regarding
the Revision of Standards

LILS/WP/PRS

THIRD ITEM ON THE AGENDA

**Examination of the need for revision
of Recommendations**
(First stage)

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Introduction

1. This paper contains a case-by-case examination of 42 international labour Recommendations. In accordance with the Working Party's request, the Office has selected a first series of Recommendations following the order established in the classification by subject of international labour standards. The Recommendations examined concern human rights, employment, social policy, labour administration

and industrial relations. By applying to the Recommendations the criteria defined by the Working Party for the examination of Conventions, all Recommendations adopted after 1985 and those which supplement the seven core Conventions (Nos. 29, 87, 98, 100, 105, 111 and 138) and the four priority Conventions (Nos. 81, 122, 129 and 144) have not been included in this examination.⁽¹⁾

2. Before beginning the individual examinations of these Recommendations, we should recall the provisions governing their revision. Recommendations are different from Conventions, they are not ratified and they do not involve the same legal obligations. From this point of view, their status and the conditions relating to their revision would appear to be more straightforward. Recommendations are unilateral instruments, adopted by the Conference, which define the Organization's objectives in a specific sphere and at a given time, and which establish guidelines to be used by member States in the area of social policy. In principle, the Organization should have no more than one up-to-date Recommendation on any given subject, and the Conference should remain sovereign to amend or revise an obsolete Recommendation by adopting a new one on the same subject. In actual fact, the matter has become considerably more complex because the Organization has not addressed the revision of Recommendations in a systematic manner, and because the Conference and the Office have implemented practices which have accumulated over the years without sufficient attention being paid to their coherence. The Working Party is therefore being called upon to show the way since this is the first time that the Governing Body has examined the need for revision of all Recommendations as a whole.

The provisions applicable to the revision of Recommendations

(a) The Constitution and the Standing Orders of the Conference

3. The conditions governing the adoption of Recommendations and the legal obligations arising out of them are stipulated in the ILO Constitution, namely in article 19. However, the Constitution does not give any indications as to the revision of Recommendations. Provisions governing this area are contained in article 45 of the Standing Orders of the Conference and are confined to the "Procedure in case of revision of a Recommendation".

4. We would recall here that article 45 was inserted in the Standing Orders of the Conference in 1948 in relation to a very specific matter. This involved defining the procedure to be followed in the case of the transfer to the United Nations of responsibilities which up until then had been entrusted to the ILO, and which had been governed by the Public Works (International Co-operation) Recommendation, 1937 (No. 50), and the Migration Statistics Recommendation, 1922 (No. 19). This matter had led the Governing Body to submit a report to the Conference which recommended inserting a new article in its Standing Orders. The Conference approved this report as well as the proposed provisions in the form in which they can be found today in article 45 of the Standing Orders of the Conference.

5. Article 45 provides that a Recommendation can be revised by the Conference through the adoption of a new Recommendation. The revision can be either in whole or in part but, in the case of revision in part, the amendments must be combined with "the unamended provisions of the Recommendation under

revision so as to establish the final text of the Recommendation in the revised form".⁽²⁾ The revised Recommendation incorporates the unamended provisions of the previous Recommendation, which translates the Organization's wish for a single text, if necessary a consolidated one, constituting an up-to-date Recommendation on a given subject. It should be noted that the provisions of article 45 are the same as those of article 44 relating to the "Procedure in case of revision of a Convention", with the exception of the preparatory procedure which is not included in article 45.

6. Amending and revising a Recommendation can only take place following a formal decision by the Conference. The Standing Orders of the Conference clearly recognize its competence in this area. Furthermore, this was confirmed in the report submitted by the Governing Body in 1948. Concerning the transfer of the responsibilities governed by the two Recommendations mentioned in paragraph 4, the Governing Body considered that it was not in its power to agree to this type of transfer "since this would involve undoing what the Conference [has] done".⁽³⁾

7. To justify the exclusive nature of the Conference's competence, the Governing Body recalled on that occasion the obligations arising out of the adoption of a Recommendation: submission to the competent authorities; presentation by the member States of reports concerning the position of their law and practice in regard to the matters dealt with in the Recommendation; in certain cases, provided for in specific Recommendations, the communication of certain information by member States to the Office. The Recommendations therefore involve legal effects for national parliaments and member States that only the Conference can bring into existence and modify.

8. Article 45 is confined to procedural matters. It does not specify, in particular, how the adoption of a revised Recommendation will affect the earlier Recommendation. In its 1948 report the Governing Body was more explicit, indicating that "the former Recommendation would [...] cease to have the authority of a Recommendation approved by the Conference".⁽⁴⁾ In other words, the revised Recommendation would be substituted for the earlier Recommendation. Although these observations do not have the value of a legal provision, and although they were formulated in the conditional tense, it is worthwhile underlining them because they explain the practice subsequently adopted by the Organization.

9. The notion of substituting a revised Recommendation for an earlier one was however qualified by the Governing Body. According to the terms used in its report, the previous Recommendation would lose its legal authority "to the extent provided in the new Recommendation",⁽⁵⁾ the provisions of the revised Recommendation stipulating the replacement of the earlier Recommendation. If one pursues the Governing Body's reasoning, the possibility of an implicit or tacit replacement, inferred from certain indications or a de facto situation, should be ruled out.

10. Lastly, the Governing Body recognized that in some situations Recommendations may no longer be up to date: "A Recommendation may have become out of date because its provisions have been superseded by the provisions of some later Recommendation or by those of a Convention, or because the conditions in the light of which it was drafted have entirely changed".⁽⁶⁾ It therefore recommended

modifying the out-of-date Recommendation and invited the Conference to approve the new provisions which today constitute article 45 of its Standing Orders. However, the Governing Body's observation had a wider scope than the solution recommended. If a Recommendation can become out of date following the adoption of a later Convention, or because the conditions have radically changed, what are the likely implications?

11. In making the above observation, the Governing Body raised two different issues which were not regulated by article 45 of the Standing Orders of the Conference. The first one concerned the fact that a later Convention could replace an earlier Recommendation. Although the Standing Orders of the Conference make no provision for this hypothesis, the fact remains that it is entirely in conformity with the Constitution, which, in article 19, paragraph 1, provides for the adoption of a Recommendation "where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention". This provision implies that when the situation has evolved, the subject of a Recommendation can be taken up in a later Convention. In fact, within the ILO's standing-setting system there are several cases of Conventions, often supplemented by a Recommendation, which have replaced the provisions of earlier Recommendations. If one accepts that a later Recommendation can replace an earlier Recommendation, one should automatically accept that a later Convention can have the same effect, as long as the Conference's intention was explicit.

12. The second point was that a Recommendation could become out of date because the conditions in the light of which it was drafted had entirely changed. Thus, the disappearance of a sector of activity as a result of new technology could certainly render a Recommendation relating to this sector out of date or obsolete. This relates to actual situations which require consideration on a case-by-case basis. The Recommendation would cease to be applicable and would be without effect but this does not mean that its legal status would be extinguished. Furthermore, the Governing Body considered that a Recommendation may have become out of date because its provisions had been "superseded" by the provisions of some later Recommendation or Convention, and if that were the case it recommended revising it. In the absence of a revision the Recommendation would remain obsolete. Thus, the relationship between the provisions contained in instruments that succeed one another chronologically should be examined, a matter that is entirely separate to a revision undertaken by the Conference.

13. The above provisions and observations mean a distinction must be made between revising Recommendations and declaring them to be obsolete. The revision of a Recommendation, in the same way as its adoption, is the direct result of action by the Conference; declaring a Recommendation to be obsolete is establishing a fact. One could argue that this distinction is largely a formal one and that the practical implications for a Recommendation that has been legally replaced and another which no longer has effect because it has become obsolete (without having been legally replaced), are of little consequence. However, this distinction allows the respective powers of the Conference and the Governing Body in this sphere to be determined. And neither is it without implications, as can be seen in the practice of the Conference and the measures taken in this respect by the Office.

(b) The practice of the Conference

14. The provisions inserted into the Standing Orders of the Conference in 1948 did not have the desired effect. In fact, there have been very few revisions in the strict sense of former Recommendations. The Migration for Employment Recommendation (Revised), 1949 (No. 86), adopted following discussions on the transfer of some of the ILO's responsibilities to the United Nations, is the only one with the word "revised" in the title. Some other Recommendations refer in their preambles to the revision of former Recommendations, namely the Repatriation of Seafarers Recommendation, 1987 (No. 174), the Labour Inspection (Seafarers) Recommendation, 1996 (No. 185), and the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187).

15. The objective of articles 44 and 45 was to establish a special procedure for the revision of Conventions and Recommendations, respectively. In practice, Recommendations have been revised in accordance with the ordinary single- or double-discussion procedure established in articles 38 and 40 of the Standing Orders of the Conference, the Recommendations adopted accompanying and supplementing Conventions on the same subject in the majority of cases with the result that articles 44 and 45 are no longer used.

16. In actual fact, the Conference has instead tended to replace former Recommendations. In the present document the Working Party will examine several Recommendations which have been explicitly superseded by later ones. The term "supersede" was used for the first time in the text of the Vocational Training Recommendation, 1962 (No. 117). It can be seen from the preparatory work that the objective was to produce a single instrument to take the place of three earlier Recommendations.⁽⁷⁾ Subsequently, and up until the present time, Recommendations have been superseded by Recommendations and/or later Conventions.⁽⁸⁾

17. Furthermore, the Conference has at times provided that a Recommendation "supplemented" an earlier Recommendation.⁽⁹⁾ In such cases it should be considered that it was not the intention of the Conference to revise the earlier Convention within the meaning of article 45 of its Standing Orders. Other Recommendations mention in their preambles that the Conference has taken "note" of earlier Recommendations. The relationship thus established has no direct effect on the Recommendation(s) cited in the preamble; it could certainly not be interpreted as implying their revision or replacement.

(c) The measures taken by the Governing Body and the Office

18. In the same way as for Conventions, a systematic study of Recommendations was carried out in 1974 as part of the *In-depth review of international labour standards*.⁽¹⁰⁾ This document, adhering to the classification of standards by subject-matter, listed the Recommendations which were "still of current interest", in other words those that were still in force and up to date, and those that had been superseded and/or were "no longer of interest". The Office included two types of instrument in the category of superseded Recommendations: those which had been revised or superseded legally by decision of the Conference, and those which were out of date according to the 1948 Governing Body report, that is to say superseded as a result of the adoption of new standards. The 1974 study therefore

contained a relatively long list of superseded Recommendations, without any clear distinction between the replacements that had been decided by the Conference and those on which the Conference had not expressed its views.

19. A different, or even conflicting, approach appears to have been taken by the two Working Parties (known by the name of Ventejol) of the Governing Body, whose reports were published in 1979 and 1987 respectively.⁽¹¹⁾ By classifying international labour standards by subject and category, the Ventejol Working Parties covered all Recommendations, including those that had been revised or replaced by the Conference, and also Recommendations which were no longer of interest according to the terminology of the 1974 study. The classification referred to: (1) Recommendations to be promoted on a priority basis; (2) Recommendations to be revised; (3) "other instruments", a category which generally includes Recommendations that have been revised or superseded, and Recommendations that have become obsolete; (4) possible subjects for new instruments. The Ventejol Working Parties did not give their views on the effects of revisions or replacements carried out by the Conference, and even less still on the measures to be taken with respect to obsolete Recommendations.

20. Nevertheless, the Governing Body, on the recommendation of the Ventejol Working Party in 1979, entrusted the Office with the task of setting aside certain Recommendations by no longer publishing them in the new edition of the compilation of international labour Conventions and Recommendations. In its decision, the Governing Body gave "the Office discretion to omit certain Recommendations classified in category 3 where they have been replaced or superseded by a more recent Convention or Recommendation or were purely transitional in nature".⁽¹²⁾ While it did not draw any conclusions from this itself, the 1979 Ventejol Working Party thus recognized that some Recommendations had been "replaced or superseded", and that others had become obsolete as a result of their "transitional" nature. On this basis, the Office omitted a considerable number of Recommendations, 64 in all, from the new edition of the compilation. The omitted Recommendations include both Recommendations replaced by the Conference and obsolete Recommendations. However, the list of omitted Recommendations seems relatively inexact as it does not tally entirely with the list published in the last edition of the compilation *Maritime labour Conventions and Recommendations*.⁽¹³⁾

Examination criteria

21. The above comments demonstrate that the Working Party, before undertaking the case-by-case examination of Recommendations, should try to establish general criteria relating to their revision. Quite considerable fluctuations have been seen in the approaches taken by the Organization and the Office, and the uncertainties raised are to a large extent due to a lack of basic provisions governing this area. In order to make coherent recommendations to the Governing Body, the Working Party could first of all clarify any ambiguities in this area in order to make its examination as efficient as possible.

22. First of all, the Working Party might note that the Conference has tended to replace earlier Recommendations rather than revise them in accordance with article 45 of its Standing Orders. Replacement is more far-reaching than revision as it involves the modification of a Recommendation by

a later Convention and/or Recommendation, and not just by another Recommendation as provided in article 45. It can also be more flexible, in so far as it allows the Conference not to be so strictly bound by the procedure under article 45. Lastly, the notion of replacement can be used in a generic sense and include revision in the strict sense, this term only being used in the case stipulated in article 45. It is in this sense that the Office will use the term "replacement" in the rest of the document.

23. A second matter, certainly the more sensitive one, relates to the legal effect of a replacement with regard to an earlier Recommendation. Reference has been made to the absence of any explicit provision on this point as well as to the practice adhered to by the Organization and the Office whereby the later instrument takes the place of the earlier Recommendation. The earlier Recommendation would therefore be replaced and superseded as a legal instrument. This is the meaning used in the 1948 Governing Body report, and can also be seen in the preparatory work for the later related instruments. A further point to be made is that no reference to the superseded Recommendations is found in the preambles to instruments adopted by the Organization following their replacement. In the 1974 study, the Office noted that "Recommendations could at any time be abrogated by Conference action, either as part of the adoption of up-to-date standards or by a decision directed solely to such abrogation", and it mentioned the possibility of deleting from the "body of ILO texts" the Recommendations that have been legally replaced.⁽¹⁴⁾ In 1979, the Governing Body's decision concerning the publication of Conventions and Recommendations referred to "replaced or superseded" Recommendations. This is then a practice that has been going on for half a century although it cannot be considered to be a constant feature. The Ventejol Working Parties, in fact, avoided expressing their views on the legal effect of replacing an earlier Recommendation, a matter which falls within the competence of the Conference. For the time being, the Working Party might note this practice and recommend that the Governing Body apply to the Conference requesting it to establish provisions relating to the effects of the replacement or revision of Recommendations. A proposal to this effect is presented below.

24. We have said that the term "replacement" has been used in two different senses. It has been used in the first sense to denote that a Recommendation has been superseded by a subsequent instrument as expressly provided by the Conference. More recently, and in a broader sense, the term has sometimes been used to describe Recommendations that have become obsolete following the adoption of later standards. The Office proposes to the Working Party to use the term "replacement" in the case of a legal replacement arising from an express decision by the Conference. When the term has been used by the Office in a broader sense, as, for example, in the 1974 study, the present document will refer to a de facto replacement (although this term was not used in the study itself). The ILO standard-setting system has become sufficiently complex for later standards to have direct or indirect repercussions on the provisions of a certain number of later Recommendations. This being the case, the only authoritative criterion to ensure sufficient legal security is to determine the Conference's intentions. Did it wish to replace an earlier Recommendation or not? The provisions of the later instrument, or otherwise the preparatory work for the adoption of the instrument, should indicate if it did or not. If the answer is no, the earlier Recommendation cannot be deemed to be legally replaced, but it might have become obsolete, due to the adoption of later standards. Therefore, the Office proposes to the Working Party to distinguish between Recommendations which have been replaced by express Conference action and

Recommendations which may have become obsolete following a change in circumstances or the adoption of later standards.

25. Lastly, a distinction should be made between Recommendations which accompany or supplement Conventions and those which are autonomous. As regards the first category, recommendations made by the Working Party with regard to Conventions tend to determine the proposals formulated with respect to the corresponding Recommendations. In other words, if the Working Party has previously recommended revising a Convention, it is highly probable that the Recommendation which accompanies it will also be replaced or revised. Likewise, if the Convention has been deemed to be up to date, the same assessment is likely to be made for the Recommendation. There may, of course, be exceptions, which will be examined on a case-by-case basis. As for autonomous Recommendations, these will be examined as such, bearing in mind the relevance of their provisions.

Summary of proposals

26. The proposals submitted to the Working Party for examination are of two kinds: the first concern the case-by-case analysis of Recommendations, while the second relate in a more general manner to the replacement of Recommendations.

(1) Case-by-case examination

27. The Working Party is invited to examine the following proposals.

(a) Recommendations which could be replaced

28. In five cases it is proposed that the Working Party recommend to the Governing Body to invite the Conference to take into consideration the Recommendation concerned during a general discussion either included on the agenda of the Conference or which could be included on it (i.e. included in the portfolio of proposals) in order to assess the need to replace it. This may include Recommendations that are already considered as obsolete.

(b) Promotion of up-to-date Recommendations

29. When a Recommendation is considered to be up to date, the Working Party is invited to recommend to the Governing Body to promote it and to invite member States to give it effect, in accordance with the provisions of article 19 of the Constitution. This concerns 11 Recommendations.

(c) Recommendations that have been superseded

30. With respect to seven Recommendations, the Working Party is invited to recommend to the Governing Body to note their replacement by subsequent instruments and to request the Office to refrain from any measure aimed at giving them effect, without prejudice to any provisions the Conference

might subsequently have before it.

(d) Obsolete Recommendations

31. When a Recommendation can be considered as being obsolete and there is no reason to consider replacing it by new standards, the Working Party is invited to recommend to the Governing Body to note that the Recommendation is obsolete and, in due course, to propose its withdrawal to the Conference. This proposal relates to 14 Recommendations.

(e) Request for additional information

32. In two cases, the Office has been unable to ascertain whether the Recommendations examined could be superseded. The subjects covered are not contained in an item included in or proposed for inclusion in the agenda of the Conference. The Working Party is therefore invited to recommend to the Governing Body to request the member States to provide additional information on these Recommendations.

(f) Status quo

33. One Recommendation, although very old, was found to still be relevant, another one accompanies a Convention for which it has been decided to maintain the status quo. It is proposed to the Working Party to recommend to the Governing Body to maintain the status quo for these instruments.

(g) Examination postponed

34. It was proposed to postpone the examination of one Recommendation, in view of the possible implications for it of a decision to be taken shortly concerning the Convention which it supplements.

(2) Replacement of Recommendations

35. Concerning the replacement of Recommendations, if the Working Party so wishes, the Office could examine whether it would be useful to codify, for the purposes of rationalization, the practice adhered to up until the present time by the Conference and the Office and to prepare a document in this connection. This document could be submitted when the Working Party finishes its case-by-case examination of the Recommendations in November 1999 or March 2000.

I. Fundamental rights

36. In the sphere of fundamental rights, three Recommendations relating to freedom of association and one to equality of opportunity and treatment were analysed.

Freedom of association

I.1. R.143 -- Workers' Representatives Recommendation, 1971
R.149 -- Rural Workers' Organisations Recommendation, 1975
R.159 -- Labour Relations (Public Service) Recommendation, 1978

(1) *Related instruments:* Recommendation No. 143 was adopted together with the Workers' Representatives Convention, 1971 (No. 135).

Recommendation No. 149 was adopted together with the Rural Workers' Organisations Convention, 1975 (No. 141).

Recommendation No. 159 was adopted together with the Labour Relations (Public Service) Convention, 1978 (No. 151), which it supplements.

(2) *Need for revision:* the Ventejol Working Parties of 1979 and 1987 classified the three Recommendations in the category of instruments to be promoted on a priority basis. Since 1988, 31 comments by the Committee of Experts have related to Convention No. 143 and three to Recommendation No. 149. Conventions Nos. 135 and 151 were submitted to the Working Party for examination at the 268th Session of the Governing Body⁽¹⁵⁾ and Convention No. 141 at the 270th Session.⁽¹⁶⁾ These three Conventions are considered as being up to date. The Governing Body has decided to invite the member States to examine the possibility of ratifying them and providing the Office, where appropriate, with additional information relating to any obstacles and difficulties encountered in this connection.⁽¹⁷⁾ The Office is not aware of any requests relating to these Recommendations which would imply the need to re-examine them. Therefore, it can be considered that the three Recommendations are also adapted to current needs and are up to date.

(3) *Proposals:* the Working Party might recommend to the Governing Body to invite member States to give effect to the Workers' Representatives Recommendation, 1971 (No. 143), the Rural Workers' Organisations Recommendation, 1975 (No. 149), and the Labour Relations (Public Service) Recommendation, 1978 (No. 159).

* * *

Equality of opportunity and treatment

I.2. R.165 -- Workers with Family Responsibilities Recommendation, 1981

(1) *Related instruments:* this Recommendation was adopted together with the Workers with Family Responsibilities Convention, 1981 (No. 156). Paragraph 35 of Recommendation No. 165 stipulates that it supersedes the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123).

(2) *Need for revision:* the Ventejol Working Party of 1987 classified this Recommendation in the

category of instruments to be promoted on a priority basis. Since 1988, the Committee of Experts has referred to it in 15 of its comments. Convention No. 156 was submitted to the Working Party for examination at the 268th and 271st Sessions of the Governing Body.⁽¹⁸⁾ It was decided to invite the member States to examine the possibility of ratifying it.⁽¹⁹⁾ The consultations carried out in 1997 on this subject revealed that most constituents consider this Convention to be up to date and that there is no reason to revise it. It appears that the same conclusion can be drawn about the corresponding Recommendation.

(3) *Proposals*: the Working Party might recommend to the Governing Body to invite member States to give effect to the Workers with Family Responsibilities Recommendation, 1981 (No. 165).

* * *

II. Employment

37. The ILO has adopted a series of Recommendations in the employment sphere, 24 of which are examined in this section. These Recommendations relate to five areas: employment policy, employment services and fee-charging employment agencies, vocational guidance and training, rehabilitation and employment of disabled persons, and employment security.

Employment policy

38. Of the eight Recommendations examined which relate to employment policy, just one accompanies a Convention, the other seven being autonomous.

II.1. R.1 -- Unemployment Recommendation, 1919

(1) *Related instruments*: this Recommendation was adopted together with the Unemployment Convention, 1919 (No. 2). These two instruments were supplemented by the Fee-Charging Employment Agencies Convention, 1933 (No. 34) (see preamble to the Employment Agencies Recommendation, 1933 (No. 42)).

(2) *Need for revision*: the 1974 study considered that Recommendation No. 1 (which deals, among other areas, with the abolition of fee-charging employment agencies, the recruitment of workers in one country with a view to their employment in another country and unemployment insurance) had been superseded (de facto) by later, more detailed standards covering these various areas.⁽²⁰⁾ The Ventejol Working Parties of 1979 and 1987 classified it in the category of "other instruments". It was not reproduced in the Office's compilation. Convention No. 2 was submitted to the Working Party for examination at the 267th and 268th Sessions of the Governing Body.⁽²¹⁾ At the 268th Session, the Governing Body decided to maintain the status quo for this instrument.⁽²²⁾ It should be noted that, as

regards employment agencies, while Convention No. 2 provides for the establishment of free public employment agencies as well as the coordination of public and private agencies, Recommendation No. 1 recommends the adoption of measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit and to abolish those that already exist. Convention No. 34, which is accompanied by the Employment Agencies Recommendation, 1933 (No. 42) (examined below), has already qualified this statement to some extent by making provision for a number of dispensations to the obligation to abolish employment agencies which are conducted with a view to profit. The Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), contains provisions which are even more flexible and which give member States the choice as regards fee-charging employment agencies conducted with a view to profit between their progressive abolition or their regulation. Lastly, the Private Employment Agencies Convention, 1997 (No. 181), and Recommendation (No. 188) adopt a different approach. They recognize the role which private employment agencies may play in a well-functioning labour market, while protecting the rights of workers using their services. It appears that Recommendation No. 1 can be considered to be obsolete.

(3) *Proposals*: the Working Party might recommend to the Governing Body:

(a) to note that the Unemployment Recommendation, 1919 (No. 1), is obsolete

(b) to propose, in due course, its withdrawal to the Conference.

- II.2. R.11 -- Unemployment (Agriculture) Recommendation, 1921**
R.45 -- Unemployment (Young Persons) Recommendation, 1935
R.50 -- Public Works (International Co-operation) Recommendation, 1937
R.51 -- Public Works (National Planning) Recommendation, 1937
R.73 -- Public Works (National Planning) Recommendation, 1944

(1) *Related instruments*: these Recommendations are autonomous.

(2) *Need for revision*: it was noted in the 1974 study that the Employment Policy Convention and Recommendation, 1964 (No. 122) laid down "comprehensive standards in the field of employment policy, which have superseded the provisions of earlier Recommendations relating to particular groups of workers or to circumstances at a specific period. Accordingly, Recommendations Nos. 11, 50, 51, 71 and 73 may be considered to be no longer of current interest".⁽²³⁾ The study also mentions that Recommendation No. 45 was superseded (de facto) by the Special Youth Schemes Recommendation, 1970 (No. 136).⁽²⁴⁾ The Ventejol Working Parties of 1979 and 1987 classified all these Recommendations in the category of "other instruments". They are not reproduced in the Office's compilation. It appears that these instruments can be considered as no longer being applicable.

(3) *Proposals*: the Working Party might recommend to the Governing Body:

(a) to note that the Unemployment (Agriculture) Recommendation, 1921 (No. 11), the Unemployment (Young Persons) Recommendation, 1935 (No. 45), the Public Works (International Cooperation) Recommendation, 1937 (No. 50), the Public Works (National Planning) Recommendation, 1937 (No. 51), and the Public Works (National Planning) Recommendation, 1944 (No. 73) are obsolete;

(b) to propose, in due course, their withdrawal to the Conference.

II.3. R.71 -- Employment (Transition from War to Peace) Recommendation, 1944

(1) *Related instruments*: this Recommendation is autonomous. It was adopted at the same time as the Employment Service Recommendation, 1944 (No. 72), and is related to it (see page 15 below).

(2) *Need for revision*: the in-depth review of international labour standards of November 1974 considered that Recommendation No. 71 had been superseded (de facto) by later, more comprehensive standards in the field of employment policy,⁽²⁵⁾ namely the Employment Policy Convention and Recommendation, 1964 (No. 122). The Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of "other instruments". This Recommendation, which came within the particular framework of the Second World War, has long been considered no longer to be of interest. It is one of the instruments that are not reproduced in the Office's compilation. It appears, however, that there is renewed interest in the issues it covers, as demonstrated by the proposal concerning the ILO's contribution to peace-building operations, which is included in the draft portfolio for the agenda of the 89th Session (2001) of the International Labour Conference presented to the Governing Body at the current session.⁽²⁶⁾ That document notes that this Recommendation does not reflect the changed nature or reality of current armed conflict and is therefore unable to provide up-to-date guidance to constituents. During the general discussion proposed on this subject, the principles and questions raised in this Recommendation would be taken into consideration. If appropriate, this discussion might lead to the drafting of a new Recommendation.

(3) *Proposals*: the Working Party might recommend to the Governing Body:

(a) to note that the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), is obsolete;

(b) to invite the Conference, should the question of the ILO's contribution to peace-building operations be placed on its agenda, to take Recommendation No. 71 into consideration in order to evaluate the possible need to replace it.

II.4. R.136 -- Special Youth Schemes Recommendation, 1970

(1) *Related instruments*: this Recommendation is autonomous.

(2) *Need for revision*: the 1974 study considered that it superseded (de facto) Recommendation No. 45.

(27) The Ventejol Working Parties of 1979 and 1987 classified Recommendation No. 136 in the category of instruments to be promoted on a priority basis. Since 1988, the Committee of Experts has referred 15 times to this Recommendation in relation to comments concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). It should however be noted that the agenda of the 88th Session (2000) of the International Labour Conference includes a general discussion on the subject of "Human resources training and development: Vocational guidance and vocational training". During the consultations held in 1997, prior to placing this item on the agenda, the possibility of a revision of Recommendation No. 136 was mentioned. (28) According to the points suggested for discussion in the document submitted to the Governing Body in March 1998, (29) all aspects of training should be examined and in particular the question of employment guidance. It may therefore be appropriate to take Recommendation No. 136 into consideration during this discussion.

(3) *Proposals*:

(a) the Working Party might recommend to the Governing Body to invite the Conference to take into consideration the Special Youth Schemes Recommendation, 1970 (No. 136), during the general discussion on the subject of "Human resources training and development: Vocational guidance and vocational training" which will take place in the year 2000, in order to evaluate the possible need to replace it;

(b) the Working Party (or the Committee on Legal Issues and International Labour Standards) could re-examine the status of Recommendation No. 136 in due course.

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Employment services and fee-charging employment agencies

39. Three Recommendations will be examined below, the first two accompany Conventions and the third is autonomous.

II.5. R.42 -- Employment Agencies Recommendation, 1933

(1) *Related instruments*: this Recommendation was adopted together with the Fee-Charging Employment Agencies Convention, 1933 (No. 34) (see page 12 above).

(2) *Need for revision*: the Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of "other instruments". It is not reproduced in the Office's compilation. Convention No. 34

was revised for the first time by the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), and on a second occasion in 1997, at the same time as Convention No. 96, by the Private Employment Agencies Convention, 1997 (No. 181) (see Article 16 of the Convention), which is supplemented by the Private Employment Agencies Recommendation, 1997 (No. 188). As indicated above, the 1997 instruments, which are currently the most modern instruments on this subject, contain different objectives to those pursued previously by the Organization. Convention No. 34 was examined by the Working Party at the 265th Session of the Governing Body.⁽³⁰⁾ It was decided to shelve it with immediate effect.⁽³¹⁾ This Convention is therefore considered as being obsolete. The same conclusion seems appropriate with regard to the Recommendation which accompanies it.

(3) *Proposals*: the Working Party might recommend to the Governing Body:

(a) to note that the Employment Agencies Recommendation, 1933 (No. 42) is obsolete;

(b) to propose, in due course, its withdrawal to the Conference.

II.6. R.72 -- Employment Service Recommendation, 1944

(1) *Related instruments*: this Recommendation is autonomous. According to its preamble, it is related to Convention No. 2 (the Convention providing for the establishment of a "system of free public employment agencies under the control of a central authority") and to Recommendation No. 71 (which requires the existence of an efficient employment service). As indicated in paragraph II.7(1) below, Recommendation No. 83 was intended to supplement it.

(2) *Need for revision*: the 1974 study considered however that it had been superseded (de facto) by Convention No. 88 and Recommendation No. 83⁽³²⁾ and that it in turn has superseded Recommendation No. 1. In fact, over the years the 1948 instruments became the reference instruments in this area, taking the place of the 1944 instrument. The Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of "other instruments". It is not reproduced in the Office's compilation. It appears that this Recommendation could be considered to be obsolete.

(3) *Proposals*: the Working Party might recommend to the Governing Body:

(a) to note that the Employment Service Recommendation, 1944 (No. 72), is obsolete;

(b) to propose, in due course, its withdrawal to the Conference.

II.7. R.83 -- Employment Service Recommendation, 1948

(1) *Related instruments*: the preamble to Recommendation No. 83 provides that it supplements the Employment Service Recommendation, 1944 (No. 72) (examined in II.6 above), and the Employment

Service Convention, 1948 (No. 88). Recommendation No. 83 was adopted together with Convention No. 88.

(2) *Need for revision:* the Ventejol Working Parties of 1979 and 1987 classified this instrument among those to be promoted on a priority basis. Since 1988, the Committee of Experts has referred to it on seven occasions. It was confirmed in 1994 that it was still of interest, when the Committee on Private Employment Agencies of the International Labour Conference examined the possible need to revise it at the same time as Convention No. 88 and concluded by expressing "its continuing support for the principles set out in Convention No. 88".⁽³³⁾ This Convention was also submitted to the Working Party for examination at the 267th Session of the Governing Body.⁽³⁴⁾ The Governing Body decided to maintain the status quo of this Convention.⁽³⁵⁾ It appears that the same solution should be applied to the Recommendation which accompanies it.

(3) *Proposals:* the Working Party might recommend to the Governing Body to maintain the status quo with respect to the Employment Service Recommendation, 1948 (No. 83).

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Vocational guidance and training

40. Nine Recommendations on this subject are examined below. The most recent Recommendation accompanies a Convention. The eight others are autonomous.

II.8. R.15 -- Vocational Education (Agriculture) Recommendation, 1921

(1) Related instruments: this Recommendation is autonomous.

(2) *Need for revision:* the in-depth study of 1974 considered that it had been superseded (de facto) by the Vocational Training (Agriculture) Recommendation, 1956 (No. 101). The Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of "other instruments". It is not reproduced in the Office's compilation. Recommendation No. 15 appears no longer to serve a useful purpose on account of its de facto replacement.

(3) *Proposals:* the Working Party might recommend to the Governing Body:

(a) to note that the Vocational Education (Agriculture) Recommendation, 1921 (No. 15), is obsolete;

(b) to propose, in due course, its withdrawal to the Conference.

II.9. R.56 -- Vocational Education (Building) Recommendation, 1937

(1) *Related instruments*: this Recommendation is autonomous.

(2) *Need for revision*: the 1974 study considered that this Recommendation was still of interest. Since that time, the two areas to which it relates -- vocational education and safety and health in the building industry -- have been newly regulated by the following instruments: the Human Resources Development Convention, 1975 (No. 142), and Recommendation (No. 150), and the Safety and Health in Construction Convention, 1988 (No. 167), and Recommendation (No. 175). It is not referred to in the preambles to any of these instruments. The Ventejol Working Parties of 1979 and 1987 classified it in the category of "other instruments". It appears that this Recommendation no longer serves any useful purpose.

(3) *Proposals*: the Working Party might recommend to the Governing Body:

(a) to note that the Vocational Education (Building) Recommendation, 1937 (No. 56) is obsolete;

(b) to propose, in due course, its withdrawal to the Conference.

- II.10. R.57 -- Vocational Training Recommendation, 1939**
R.60 -- Apprenticeship Recommendation, 1939
R.87 -- Vocational Guidance Recommendation, 1949
R.88 -- Vocational Training (Adults) Recommendation, 1950
R.101 -- Vocational Training (Agriculture) Recommendation, 1956
R.117 -- Vocational Training Recommendation, 1962

(1) *Related instruments*: Paragraph 80 of the Vocational Training Recommendation, 1962 (No. 117), provides that it supersedes Recommendations Nos. 57, 60 and 88. Paragraph 77 of the Human Resources Development Recommendation, 1975 (No. 150), provides that it supersedes Recommendations Nos. 87, 101 and 117. Neither of these Recommendations is reproduced in the Office's compilation.

(2) *Proposals*: the Working Party might recommend to the Governing Body to note the replacement of the Vocational Training Recommendation, 1939 (No. 57), the Apprenticeship Recommendation, 1939 (No. 60), the Vocational Guidance Recommendation, 1949 (No. 87), the Vocational Training (Adults) Recommendation, 1950 (No. 88), the Vocational Training (Agriculture) Recommendation, 1956 (No. 101), and the Vocational Training Recommendation, 1962 (No. 117).

II.11. R.150 -- Human Resources Development Recommendation, 1975

(1) *Related instruments*: this Recommendation was adopted together with the Human Resources Development Convention, 1975 (No. 142).

(2) *Need for revision:* the Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of instruments to be promoted on a priority basis. Since 1988, the Committee of Experts has referred to it in 19 comments. Paragraph 77 of the Recommendation provides that it supersedes Recommendations Nos. 87, 101 and 117. Convention No. 142 was submitted to the Working Party for examination at the 268th Session of the Governing Body.⁽³⁶⁾ The Governing Body decided to invite the member States to examine the possibility of ratifying this Convention, while inviting the Director-General to undertake a study on the ways and means of increasing and developing technical cooperation in this sphere. The Working Party proposed that the status of this Convention be re-examined in due course.⁽³⁷⁾ Furthermore, as indicated above (page 14), an item entitled "Human resources training and development: Vocational guidance and vocational training" has been placed on the agenda of the 88th Session (2000) of the International Labour Conference for a general discussion. The proposal relating to this subject is developed in document GB.271/4/1 (paragraphs 13-33). The document notes that while the Human Resources Development Convention, 1975 (No. 142), which is rather general, can still be regarded as valid, Recommendation No. 150 appears to be outdated due to developments in economic and social conditions. The general discussion scheduled should guide the Office as to possible future standard-setting action. This action could include the elaboration of new instruments to replace Recommendation No. 150.

(3) *Proposals:*

(a) the Working Party might recommend to the Governing Body to support the taking into consideration of the Human Resources Development Recommendation, 1975 (No. 150), during the general discussion scheduled for the year 2000 on the subject "Human resources training and development: Vocational guidance and vocational training" in order to assess the possible need to replace it;

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

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Rehabilitation and employment of disabled persons

41. The two Recommendations concerned are the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), and the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168).

II.12. R.99 -- Vocational Rehabilitation (Disabled) Recommendation, 1955
R.168 -- Vocational Rehabilitation and Employment (Disabled Persons)
Recommendation, 1983

(1) *Related instruments:* Recommendation No. 99 is autonomous. The preamble to Recommendation No. 168 provides that it supplements both Recommendation No. 99 and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

(2) *Need for revision:* the Ventejol Working Party of 1987 classified these two Recommendations in the category of instruments to be promoted on a priority basis. Convention No. 159 was submitted to the Working Party for examination at the 268th Session of the Governing Body.⁽³⁸⁾ It was considered as being up to date and the Governing Body decided to invite the member States to examine the possibility of ratifying it.⁽³⁹⁾ Both this Convention and Recommendation No. 168 were the focus of a General Survey entitled *Vocational rehabilitation and employment of disabled persons*, which was examined by the International Labour Conference in 1998.⁽⁴⁰⁾ In its survey, the Committee of Experts emphasized the interest both of Recommendation No. 168 and Recommendation No. 99. The relevance of the standards contained in the latter and the way in which they supplement those contained in Recommendation No. 168 are recalled throughout the report. These two Recommendations therefore appear to be up to date.

(3) *Proposals:* the Working Party might recommend to the Governing Body to invite the member States to give effect to the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), and to the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168).

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Employment security

42. The two Recommendations examined below are the Termination of Employment Recommendation, 1963 (No. 119), and the Termination of Employment Recommendation, 1982 (No. 166).

II.13. R.119 -- Termination of Employment Recommendation, 1963

(1) *Related instruments:* Recommendation No. 119 is autonomous. It was superseded by both the Termination of Employment Convention, 1982 (No. 158) and Recommendation (No. 166), as provided in Paragraph 27 of Recommendation No. 166. Recommendation No. 119 is not reproduced in the Office's compilation.

(2) *Proposals:* the Working Party might recommend to the Governing Body to note the replacement of the Termination of Employment Recommendation, 1963 (No. 119).

II.14. R.166 -- Termination of Employment Recommendation, 1982

(1) *Related instruments:* Recommendation No. 166 supplements Convention No. 158 and supersedes, together with Convention No. 158, Recommendation No. 119 (see II.13(1) above).

(2) *Need for revision:* the Ventejol Working Party of 1987 classified this Recommendation in the category of instruments to be promoted on a priority basis. Since 1988, the Committee of Experts has referred to it on seven occasions. Convention No. 158 was examined by the Working Party at the 268th Session⁽⁴¹⁾ and the 271st Session⁽⁴²⁾ of the Governing Body. At the second of these sessions, the Governing Body decided to request the Office to carry out a short study on this Convention to be submitted for examination by the Working Party at its March 1999 meeting. Following the consultations held between these two sessions, it appeared that there was a wide range of obstacles to the ratification of the Convention which necessitated the examination being continued in order to try to attenuate them. It would be appropriate for Recommendation No. 166 to be taken into consideration in this study. Furthermore, the future of the Recommendation is linked to that of the Convention it supplements.

(3) *Proposals:* the Working Party might postpone the examination of the Termination of Employment Recommendation, 1982 (No. 166), until a future session when the results of the short study on the Termination of Employment Convention, 1982 (No. 158), are available.

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III. Social policy

III.1. R.127 -- Co-operatives (Developing Countries) Recommendation, 1966

(1) *Related instruments:* this Recommendation is autonomous.

(2) *Need for revision:* the 1974 study considered this Recommendation to still be of interest.⁽⁴³⁾ The Ventejol Working Parties of 1979 and 1987 classified it in the category of instruments to be promoted on a priority basis. A proposal relating to the promotion of cooperatives is included in the portfolio of proposals for the agenda of the International Labour Conference as of its 89th Session (2001) submitted to the Governing Body at the current session.⁽⁴⁴⁾ It is recalled in the document that this Recommendation was examined during a Meeting of Experts on Cooperatives held in Geneva in 1993. The experts had concluded that there was a need for a new standard that would give greater responsibilities to the cooperative movements and the social partners and which would be applicable to all member States. An evaluation of the need to replace this instrument would therefore appear to be appropriate.

(3) *Proposals:*

(a) the Working Party might recommend to the Governing Body to invite the Conference, should the question of the promotion of cooperatives be placed on its agenda, to take into consideration the Co-operatives (Developing Countries) Recommendation, 1966 (No. 127), in order to evaluate the possible need to replace it;

(b) the Working Party (or the Committee on Legal Issues and International Labour Standards) might re-examine the status of Recommendation No. 127 in due course.

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IV. Labour administration

43. Six Recommendations relating to this question will be examined below. One of them, the most recent and detailed of these standards, supplements a Convention. The five others are autonomous.

General

IV.1. R.158 -- Labour Administration Recommendation, 1978

(1) *Related instruments*: this Recommendation supplements the Labour Administration Convention, 1978 (No. 150).

(2) *Need for revision*: the Ventejol Working Parties of 1979 and 1987 classified Recommendation No. 158 in the category of instruments to be promoted on a priority basis. Convention No. 150 was submitted to the Working Party for examination during the 268th Session of the Governing Body.⁽⁴⁵⁾ It was decided to invite the member States to consider the possibility of ratifying this Convention.⁽⁴⁶⁾ Convention No. 150 and Recommendation No. 158 were the subject of a General Survey which was examined by the International Labour Conference in 1997.⁽⁴⁷⁾ It emerges from this General Survey, and also from the discussions held on this subject at the Conference, that Recommendation No. 158 remains relevant and that there is nothing to indicate that it should be supplemented or replaced.

(3) *Proposals*: the Working Party might recommend to the Governing Body to invite the member States to give effect to the Labour Administration Recommendation, 1978 (No. 158).

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Labour inspection

IV.2. R.5 -- Labour Inspection (Health Services) Recommendation, 1919
R.20 -- Labour Inspection Recommendation, 1923
R.54 -- Inspection (Building) Recommendation, 1937
R.59 -- Labour Inspectorates (Indigenous Workers) Recommendation, 1939

(1) *Related instruments*: these Recommendations are autonomous.

(2) *Need for revision*: the 1974 study noted that Recommendations Nos. 5, 20, 54 and 59 were no longer of interest given that they had been superseded by more developed standards adopted in 1947 and 1969.

(48) The standards in question are the Labour Inspection Convention and Recommendation, 1947 (No. 81), the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). The Ventejol Working Parties of 1979 and 1987 classified all these Recommendations in the category of "other instruments". None of them is reproduced in the Office's compilation. Nevertheless, Recommendation No. 20 appears to retain some interest, given the fact that it contains useful information concerning the provisions of the Labour Inspection Convention, 1947 (No. 81). In addition, the preamble to the Labour Inspection Recommendation, 1947 (No. 81), indicates that it supplements both Convention No. 81 and Recommendation No. 20. The maintenance of the status quo with regard to this Recommendation might therefore be recommended. It appears that the other instruments concerned might be considered as being obsolete.

(3) *Proposals*: the Working Party might recommend to the Governing Body:

(a) to maintain the status quo with regard to the Labour Inspection Recommendation, 1923 (No. 20);

(b) to note that the Labour Inspection (Health Services) Recommendation, 1919 (No. 5), the Inspection (Building) Recommendation, 1937 (No. 54), and the Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59), are obsolete;

(c) to propose, in due course, the withdrawal of Recommendations Nos. 5, 54 and 59 to the Conference.

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Statistics

IV.3. R.19 -- Migration Statistics Recommendation, 1922

(1) *Related instruments*: this Recommendation is autonomous.

(2) *Need for revision*: it was noted in the 1974 study that the responsibility for international action in the field of migration statistics was transferred to the United Nations in 1959, which since then has adopted various Recommendations in this field. The Ventejol Working Parties of 1979 and 1987 classified this

Recommendation in the category of "other instruments". It is not reproduced in the Office's compilation. Although the Office still carries out activities in the area of migration statistics, this Recommendation appears to be of no further use.

(3) *Proposals*: the Working Party might recommend to the Governing Body:

(a) to note that the Migration Statistics Recommendation, 1922 (No. 19), is obsolete;

(b) to propose, in due course, its withdrawal to the Conference.

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V. Industrial relations

44. Six of the seven Recommendations examined below are autonomous. The most recent standard supplements a Convention.

V.1. R.91 -- Collective Agreements Recommendation, 1951

(1) *Related instruments*: this Recommendation is autonomous.

(2) *Need for revision*: the 1974 study considered that this instrument was of continuing interest.⁽⁴⁹⁾ The Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of instruments to be promoted on a priority basis. This Recommendation contains basic principles concerning collective agreements. It appears still to play a useful role.

(3) *Proposals*: the Working Party might recommend to the Governing Body to invite the member States to give effect to the Collective Agreements Recommendation, 1951 (No. 91).

V.2. R.92 -- Voluntary Conciliation and Arbitration Recommendation, 1951

(1) *Related instruments*: this Recommendation is autonomous.

(2) *Need for revision*: the interest in this Recommendation was noted in the 1974 study and by the Ventejol Working Parties of 1979 and 1987. This Recommendation appears to reflect the prevailing approach at the time to the settlement of labour disputes, an approach which is no longer adhered to in a considerable number of countries. The instrument does not contain any methods of dispute settlement other than conciliation or arbitration, nor does it cover preventive mediation, the importance of which has grown in recent years. It should be noted that the subject covered by this Recommendation relates directly to the question of alternative forms of labour conflict resolution, which is included in the portfolio of proposals for the agenda of the 89th Session (2001) of the Conference.⁽⁵⁰⁾ The instrument

could be examined in this framework.

(3) *Proposals:*

(a) the Working Party might recommend to the Governing Body to invite the Conference, should the question of alternative forms of labour conflict resolution be placed on its agenda, to examine the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), in order to evaluate the possible need to revise it;

(b) the Working Party (or the Committee on Legal Issues and International Labour Standards) could re-examine the status of Recommendation No. 92 in due course.

V.3. R.94 -- Co-operation at the Level of the Undertaking Recommendation, 1952
R.129 -- Communications within the Undertaking Recommendation, 1967

(1) *Related instruments:* the two Recommendations are autonomous. Recommendation No. 129 is intended to supplement Recommendation No. 94.

(2) *Need for revision:* the 1974 study noted that these instruments were of continuing interest.⁽⁵¹⁾ The Ventejol Working Parties of 1979 and 1987 classified them in the category of instruments to be promoted. The objective of these two Recommendations is still relevant. The text of the first one is extremely short and gives little indication to constituents concerning the ways of achieving the recommended objectives. The second Recommendation, which provides some useful information for the implementation of the first one, relates to an area which has developed considerably since 1967. It would certainly be appropriate to examine the possible need to revise these two Recommendations. The Working Party could request additional information from member States on this subject.

(3) *Proposals:*

(a) the Working Party might recommend to the Governing Body to invite the member States to send the Office any additional information they may have on the possible need to revise the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), and the Communications within the Undertaking Recommendation, 1967 (No. 129);

(b) the Working Party (or the Committee on Legal Issues and International Labour Standards) could re-examine the status of these two Recommendations in due course.

V.4. R.113 -- Consultation (Industrial and National Levels) Recommendation, 1960

(1) *Related instruments*: the Recommendation is autonomous.

(2) *Need for revision*: the interest of this Recommendation was noted in the 1974 study and by the Ventejol Working Parties of 1979 and 1987. At the 83rd Session (1996) of the International Labour Conference a general discussion was held on the subject "Tripartite consultation at the national level on economic and social policy". The report submitted to the Conference by the Office⁽⁵²⁾ indicated that "the aspects of tripartite cooperation that can usefully be dealt with by international labour standards are already adequately covered in existing standards, and, in particular, in Recommendation No. 113" and emphasized the flexibility that characterizes this instrument. The resolution adopted by the Conference at the end of this discussion does not refer to the adoption of new standards. In the absence of any indications to the contrary, it appears that this instrument can still be considered as being up to date.

(3) *Proposals*: the Working Party might propose to the Governing Body to invite the member States to give effect to the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113).

V.5. R.130 -- Examination of Grievances Recommendation, 1967

(1) *Related instruments*: the Recommendation is autonomous.

(2) *Need for revision*: interest in this Recommendation was noted in the 1974 study and by the Ventejol Working Parties of 1979 and 1987. The subject covered by this instrument also relates to the proposal concerning alternative forms of labour conflict resolution to be placed on the agenda of the Conference in 2001. This Recommendation contains a traditional approach to industrial relations. It appears to remain valid as regards the principles set out concerning grievance procedures.

(3) *Proposals*: the Working Party might recommend to the Governing Body to invite the member States to give effect to the Examination of Grievances Recommendation, 1967 (No. 130).

V.6. R.163 -- Collective Bargaining Recommendation, 1981

(1) *Related instruments*: this Recommendation supplements the Collective Bargaining Convention, 1981 (No. 154).

(2) *Need for revision*: the Ventejol Working Party of 1987 classified this Recommendation in the category of instruments to be promoted on a priority basis. Convention No. 154 was examined by the Working Party at the 268th Session of the Governing Body.⁽⁵³⁾ It was decided to invite the member States to examine the possibility of ratifying it and to inform the Office of obstacles and difficulties encountered in this respect.⁽⁵⁴⁾ The Recommendation contains basic principles and the question does not appear to be suitable for a more detailed international standard. In the absence of any indications to the contrary, it appears that the Recommendation can also be considered as remaining valid.

(3) *Proposals*: the Working Party might recommend to the Governing Body to invite the member States to give effect to the Collective Bargaining Recommendation, 1981 (No. 163).

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VI. Final remarks

45. At its next session, in March 1999, the Working Party could examine a second series of Recommendations in accordance with the criteria established and the methodology applied in this document.

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

Geneva, 27 October 1998.

Point for decision: Paragraph 46.

1. GB.264/LILS/4 and GB.267/LILS/4/2. Furthermore, the Working Party has before it a document relating to Conventions concerning seafarers and fishermen (GB.273/LILS/WP/PRS/4). The Recommendations on seafarers and fishermen will be discussed in a separate document to be submitted to the Working Party at its next meeting, in March 1999.

2. Art. 45, para. 6.

3. International Labour Conference, 31st Session, San Francisco, 1948. *Record of Proceedings*, Appendix III: "Standing Orders of the Conference", p. 316.

4. *ibid*, p. 317.

5. *ibid*.

6. *ibid*.

7. ILO: *Vocational training*, International Labour Conference, 45th Session, 1961, Report VII(1), p. 2. Also see, for example, ILO: *Equal opportunities and equal treatment for men and women workers: Workers with family responsibilities*, International Labour Conference, 66th Session, 1980, Report VI (2), p. 12.

8. In this way, the Labour Inspection (Seamen) Recommendation, 1926 (No. 28), was superseded by the Labour Inspection (Seafarers) Convention, 1996 (No. 178) (see Article 10 of this Convention).
9. For example, the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168), supplements Recommendation No. 99 (and Convention No. 159). See p. 18 below.
10. Doc. GB.194/PFA/12/5, Nov. 1974, hereinafter referred to as "the 1974 study".
11. "Final Report of the Working Party on International Labour Standards", in *Official Bulletin* (Geneva, ILO), Vol. LXII, 1979, Series A, Special issue, and "Report of the Working Party on International Labour Standards", in *Official Bulletin* (Geneva, ILO), Vol. LXX, 1987, Series A, Special issue.
12. *ibid.* (1979), p. 12.
13. The Vocational Training (Seafarers) Recommendation, 1946 (No. 77), superseded by the Vocational Training (Seafarers) Recommendation, 1970 (No. 137), is not included in the general compilation, but is still published in the compilation of maritime Conventions and Recommendations.
14. GB.194/PFA/12/5, p. 10. A footnote indicated that "Some Recommendations already provide that they 'supersede' earlier standards, but no steps have hitherto been taken for the formal deletion of these standards from the body of ILO texts".
15. Doc. GB.268/LILS/WP/PRS/1.
16. Doc. GB.270/LILS/WP/PRS/2.
17. For Conventions Nos. 135 and 151 see doc. GB.268/8/2 and for Convention No. 141 see doc. GB.270/9/2.
18. Docs. GB.268/LILS/WP/PRS/1 and GB.271/LILS/WP/PRS/2.
19. Doc. GB.271/11/2.
20. Doc. GB.194/PFA/12/5, Appendix I, p. 58.
21. Docs. GB.267/LILS/WP/PRS/2 and GB.268/LILS/WP/PRS/1.
22. Doc. GB.268/8/2.
23. Doc. GB.194/PFA/12/5, Appendix I, p. 57.

24. Examined below.
25. Doc. GB.194/PFA/12/5, Appendix I, p. 57.
26. Doc. GB.273/2, paras. 63-81.
27. Examined below.
28. Australia proposed a preliminary general discussion on vocational training for young persons to ascertain whether a revision of Recommendation No. 136 would be appropriate or whether it was timely to adopt a Convention on the subject. Doc. GB.270/2, para. 75.
29. Doc. GB.271/4/1, para. 32.
30. Doc. GB.265/LILS/WP/PRS/1.
31. Docs. GB.265/8/2 and GB.265/LILS/5.
32. Doc. GB.194/PFA/12/5, Appendix I, p. 58.
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For further information, please contact the Official Relations Branch at Tel: +41.22.799.7732, Fax: +41.22.799.8944 or by e-mail: RELOFF@ilo.org

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