FOURTH ITEM ON THE AGENDA

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

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Introduction

1. In accordance with the decision taken by the Governing Body at its 273rd Session (November 1998), the Working Party met on 12 March 1999, under the chairmanship of Mr. J.-L. Cartier (Government, France). The Employer Vice-Chairperson and the Worker Vice-Chairperson were, respectively, Mr. D. Funes de Rioja (Argentina) and Mr. J.-C. Parrot (Canada).

2. Before proceeding to the items on the agenda, the Chairperson said that a provisional programme should be drawn up for the upcoming meetings of the Working Party. For the meeting of November 1999, the programme could include, in addition to the items which might be postponed until the next meeting: the deferred examination of the three Conventions in respect of which the Working Party had requested a short survey, namely the Holidays with Pay Convention (Revised), 1970 (No. 132), the Paid Educational Leave Convention, 1974 (No. 140), and the Termination of Employment Convention, 1982 (No. 158); the examination of the second series of Recommendations; and a preliminary examination of the revision methods. In March 2000 the programme of the Working Party might also include the examination of Conventions concerning fishermen, the follow-up to the revision methods and a third series of Recommendations.

3. The Employer members expressed their full satisfaction that they had received the working documents sufficiently in advance. They thanked the Office for this effort and hoped that this would also be the case in the future given the very complex questions to be addressed by the Working Party.

4. The Chairperson also expressed his thanks and congratulations to the Office for its speed and diligence in ensuring the smooth running of the meetings of the Working Party. He regretted the small number of Government members participating in the meeting and hoped that in the future it would not have to compete with other important meetings such as that of the Committee on Technical Cooperation.

5. The Employer members shared the Chairperson’s concern. Like technical cooperation, matters concerning standard-setting policy were very important and should also be of concern to governments.

6. A representative of the Director-General explained that it was inevitable that meetings were programmed simultaneously. The Office would endeavour in future to avoid the same clash with the timetable of the Committee on Technical Cooperation, but it was not possible to organize a meeting of the Working Party which did not coincide with the meeting of another committee of the Governing Body.

A. Follow-up on the recommendations of the Working Party

7. The Chairperson recalled that the Office document reviewed the situation concerning measures taken by the Organization and member States to give effect to the recommendations of the Working Party since November 1997, the date of the last report on the subject. He also recalled that the title of the information note appended to the document had been changed, in accordance with the request made by the Working Party. He drew the attention of members to the point for decision in paragraph 73.

8. The Employer members said that the document was excellent and very useful, in particular the information note contained in Appendix I. They had no objections or special observations to make. The examination undertaken by the Working Party had two objectives: the shelving or abrogation of obsolete Conventions and the promotion of the ratification of up-to-date Conventions. Additional information would also be requested to

1 GB.274/LILS/WP/PRS/1.
assess the need or not to revise certain Conventions. It was important for the Working Party to continue its work with a view to determining obstacles and difficulties to the ratification of the Conventions and revision needs. To this end emphasis must be placed on obtaining replies from member States. The Working Party was achieving results but it was also important to discuss what would be done with these results. The time seemed to have come for a discussion of standard-setting policy and of ways to make the abrogation and shelving procedures more flexible, rather than of just the revision of particular standards. They hoped that the information note would continue to be distributed during the Conference and that it would be sent to the multidisciplinary teams. They endorsed the conclusions contained in paragraph 73.

9. The Worker members also expressed their satisfaction with the Office document. They noted the increase in the number of ratifications of up-to-date Conventions but regretted the lack of ratifications of the amendment to the Constitution concerning the abrogation of Conventions. A note should be distributed to delegates at the Conference recalling the importance of this amendment within the framework of strengthening the credibility of the Organization, which was essential to the exercise undertaken by the Working Party. As regards the follow-up activities mentioned in the document, and in particular the organization of seminars, they emphasized the importance of the involvement of the social partners. It was not simply a question of inviting member States to ratify Conventions. Efforts should be pursued in the field, with the social partners, with a view to ensuring application, including through technical cooperation. They also expressed their concern about paragraph 13 of the information note. This paragraph was included in the section on prospective revisions, whereas the initial decision concerning the six Conventions included there was to promote their ratification. The prime objective was to encourage their ratification and then, if necessary, to identify the obstacles to such ratification with a view to providing the necessary technical assistance for their elimination. Finally, they recalled that the Working Party had received a specific mandate, and that this should be respected.

10. The Chairperson said that the French Government had taken the decision in principle to ratify the constitutional amendment, but that it involved a lengthy parliamentary process. He hoped that a larger number of ratifications would occur within the next two years. He supported the idea of distributing a note to the Conference reminding governments of the importance of the entry into force of this amendment. As regards the mandate of the Working Party, there was still a lot of groundwork to be done on the standard-setting system, whereas the current work was more ambitious and concerned standard-setting policy itself. The renewal of the Governing Body could be an occasion for confirming and clarifying the mandate of the Working Party.

11. In response to the concern of the Worker members about paragraph 13 of the information note, a representative of the Director-General explained that the difficulty was due to the fact that the decision consisted of two parts, namely the promotion of ratification and a request for information on obstacles to ratification and the possible need for revision. In order to simplify the presentation of the information note and to avoid creating a special category for these Conventions, the latter appeared in a paragraph entitled “Requests for ad hoc information”. The Employer members had expressed support for the establishment of a specific category for these Conventions. The Working Party had asked the Office to amend the information note accordingly.

12. The representative of the Government of Sweden expressed satisfaction with the quality of the Office document. Furthermore, she endorsed the remarks of the Chairperson and his presentation of the information note to the Conference Committee on the Application of Standards. She said that Sweden had ratified the constitutional amendment last February. The Office document showed that the Working Party was achieving specific results which involved a substantial volume of work for the Organization and the member
States. Sweden was now examining, within the framework of its ILO tripartite committee, the possibility of ratifying Convention No. 97 and denouncing Convention No. 21.

13. The Chairperson recalled that paragraph 71 of the document invited the Working Party to consider future priorities with respect to follow-up on its recommendations, one option being the promotion of the revised Conventions and the other the promotion of up-to-date Conventions.

14. A representative of the Director-General explained that the Office had proceeded in several stages, in accordance with the request of the LILS Committee. The first stage consisted of requesting member States to provide information on the obstacles to the ratification of the Conventions and their possible need for revision. At a second stage, member States were invited to ratify the revised Conventions and to denounce the earlier Conventions. Logically the next step would be the promotion of the up-to-date Conventions. However, the follow-up action with regard to the revised Conventions could be continued. In particular, only 35 of the 135 member States to which the Office sent a letter had replied. Furthermore, the action could be specifically targeted on certain subjects, such as social security or indigenous workers. In reply to a question from the Employer members and Worker members, he pointed out that the Office was not in a position to undertake simultaneously follow-up action for the revised Conventions and the up-to-date Conventions, due to the limited resources available.

15. The Employer members and the Worker members said that they would like to consult their respective groups before taking a position.

16. The Working Party, having noted the information contained in the document “Follow-up on the recommendations of the Working Party”, proposes to recommend to the Governing Body to invite the Office to prepare a detailed document on follow-up measures relating to the policy regarding the revision of standards for the session of the Governing Body in March 2000.

B. Deferred examination of the need for the revision of Conventions concerning seafarers and fishermen

I. The Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and related Conventions

17. The Chairperson noted that the method for examining maritime Conventions was the same as that used for other Conventions, subject to consultation of the Joint Working Group. He recalled the importance of Convention No. 147 but emphasized the difficulties resulting from the relationship between this Convention and those listed in its Appendix. According to the conclusions of the Office analysis, the shelving or abrogation of a Convention appearing in the Appendix to Convention No. 147 would have implications for Convention No. 147 itself. Thus, for reasons of legal certainty, the recommendations of the Joint Working Group regarding certain Conventions could not in any event be followed. The question which arose at the theoretical level was a difficult one and it would be preferable to adopt a pragmatic approach on a case-by-case basis. It would, however, be necessary to re-examine in due course the measures which could be taken with regard to obsolete Conventions related to Convention No. 147. The two groups endorsed the Office position and noted that the question would be re-examined in the future.

I.1. C.147 — Merchant Shipping (Minimum Standards) Convention, 1976

18. The Working Party expressed its support for the proposal made by the Office.

2 GB.274/LILS/WP/PRS/2.
19. The Working Party proposes:
(a) to recommend to the Governing Body that it invite the member States to contemplate ratifying the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and the Protocol of 1996 to Convention No. 147;
(b) that the Working Party (or the LILS Committee) re-examine the list of Conventions in its Appendix in due course, in the light of developments in the industry and the adoption of new instruments.

I.2. C.7 — Minimum Age (Sea) Convention, 1920
I.3. C.58 — Minimum Age (Sea) Convention (Revised), 1936

20. The Employer members believed that Convention No. 7 was out of date and that the status quo should be maintained with regard to Convention No. 58. They expressed their agreement with paragraph (b) of the Office proposals. Furthermore, they did not wish to support the invitation to ratify Convention No. 138, since States could choose to ratify instead Convention No. 58 or Convention No. 180.

21. The Worker members endorsed the Office proposals concerning Conventions Nos. 7 and 58, subject to the deletion of the reference, in paragraph 4, to the shelving of Convention No. 7.

22. A representative of the Director-General recalled that Convention No. 180 was included in the Protocol of 1996 to Convention No. 147.

23. After an exchange of views regarding Convention No. 7, the Working Party proposes:
(a) to recommend to the Governing Body to invite the States parties to the Minimum Age (Sea) Convention, 1920 (No. 7):
(i) to contemplate ratifying the Minimum Age Convention, 1973 (No. 138), the ratification of which will involve the denunciation of Convention No. 7 in accordance with Article 10 thereof;
(ii) or, if they are not in a position to do so, to contemplate ratifying the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996 (No. 180), and denouncing Convention No. 7 when Convention No. 180 has entered into force;
(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 7 in due course.

24. After an exchange of views regarding Convention No. 58, the Working Party proposes:
(a) to recommend to the Governing Body to invite the States parties to the Minimum Age (Sea) Convention (Revised), 1936 (No. 58):
(i) to contemplate ratifying the Minimum Age Convention, 1973 (No. 138), the ratification of which will, ipso jure, involve the denunciation of Convention No. 58 on the conditions stated in Article 10(4)(d) of Convention No. 138;
(ii) or, if they are not in a position to do so, to contemplate ratifying the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996 (No. 180);
(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 58 in due course.
1.4. **C.73 — Medical Examination (Seafarers) Convention, 1946**

25. The Worker members approved the proposals of the Office, with a request that reference be made to the Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examination for Seafarers.

26. The Employer members supported this suggestion.

27. **The Working Party proposes:**

(a) to recommend to the Governing Body the revision of the Medical Examination (Seafarers) Convention, 1946 (No. 73);

(b) to invite member States to inform the Office whether a revision of this Convention should be included in the portfolio of proposals for the agenda of the International Labour Conference:

(i) as a separate item; or

(ii) for joint consideration with the revision of the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16);

(c) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 73 in due course.

1.5. **C.134 — Prevention of Accidents (Seafarers) Convention, 1970**

28. In reply to a question from the Chairperson, a representative of the Director-General said that the Joint Working Group had not given its reasons for recommending revision of Convention No. 134. It would appear, however, that the proposal has to do with the relevance to accident prevention of the IMO's International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978 (STCW Convention).

29. In the light of this explanation, the Working Party supported paragraph (a) of the Office’s proposals.

30. **The Working Party proposes:**

(a) to recommend to the Governing Body to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), or that might point to the need for a full or partial revision of the Convention;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 134 in due course.

1.6. **C.92 — Accommodation of Crews Convention (Revised), 1949**

31. The Chairperson explained that, from the technical standpoint, the subject-matter of this Convention had evolved considerably. Convention No. 92 is linked to Convention No. 133.

32. The Worker members noted that the Office’s proposals concerning Convention No. 75 included an invitation to ratify Convention No. 92. It would be contradictory to adopt such a proposal if at the same time it was envisaged to revise Convention No. 92. Consequently, the Worker members expressed the wish that the reference in paragraph (a)(i) of the Office’s proposals to the need to revise this Convention be deleted. They were also against the proposal contained in paragraph (a)(ii).

33. The Employer members supported the Office’s proposals.

34. A representative of the Director-General said that the Office felt that it did not have sufficient information to decide whether Convention No. 92 needed to be revised or not. The Joint Working Group recommended its revision and the maintenance of the status
quo with regard to Convention No. 133, which contains provisions that supplement those
of Convention No. 92. The Joint Working Group’s recommendation on Convention No.
133 was apparently motivated by the fact that it would not be appropriate to propose its
revision two years after its inclusion in the Protocol of 1996 to Convention No. 147.
Moreover, it would seem difficult to envisage a revision of Convention No. 92 while
ignoring Convention No. 133.

35. After an exchange of views, the Working Party proposes:
(a) to recommend to the Governing Body to invite member States to inform
the Office of the obstacles and difficulties encountered, if any, that might
prevent or delay the ratification of the Accommodation of Crews
Convention (Revised), 1949 (No. 92);
(b) that the Working Party (or the LILS Committee) re-examine the status of
Convention No. 92 in due course, including its need for revision.

1.7. C.68 — Food and Catering (Ships’ Crews) Convention, 1946

36. The Working Party agreed with the proposal in paragraph (a) of the Office
paper.

37. The Working Party proposes:
(a) to recommend to the Governing Body to invite member States to inform
the Office of the obstacles and difficulties encountered, if any, that might
prevent or delay the ratification of the Food and Catering (Ships’ Crews)
Convention, 1946 (No. 68), or that might point to the need for a full or
partial revision of the Convention;
(b) that the Working Party (or the LILS Committee) re-examine the status of
Convention No. 68 in due course.

1.8. C.53 — Officers’ Competency Certificates Convention, 1936

38. The Employer members supported the Office’s proposals because of the legal
problems posed by the link between Convention No. 53 and Convention No. 147.

39. The Worker members also agreed with the proposals, for the technical reasons
given in the Office paper.

40. The Working Party proposes:
(a) to recommend to the Governing Body the maintenance of the status quo
with regard to the Officers’ Competency Certificates Convention, 1936
(No. 53);
(b) that the Working Party (or the LILS Committee) re-examine the status of
Convention No. 53 in due course.

1.9. C.22 — Seamen’s Articles of Agreement Convention, 1926

41. The Working Party agreed with the proposal contained in paragraph (a) of the
Office paper.

42. The Working Party proposes:
(a) to recommend to the Governing Body to invite member States to inform
the Office of the obstacles and difficulties encountered, if any, that might
prevent or delay the ratification of the Seamen’s Articles of Agreement
Convention, 1926 (No. 22), or that might point to the need for a full or
partial revision of the Convention;
(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 22 in due course.

I.10. C.23 — Repatriation of Seamen Convention, 1926

43. The Employer members supported the Office's proposals.
44. The Worker members asked that the reference to the possibility of shelving Convention No. 23 be deleted, because of its links with Convention No. 147.
45. The Chairperson voiced the same concern as the Worker members.
46. After an exchange of views, the Working Party proposes:

(a) to recommend to the Governing Body to invite the States parties to the Repatriation of Seamen Convention, 1926 (No. 23), to contemplate ratifying the Repatriation of Seafarers Convention, 1987 (No. 166), and denouncing Convention No. 23 at the same time;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 23 in due course.

Conventions in the Supplementary Appendix to the Protocol of 1996 to Convention No. 147

I.11. C.133 — Accommodation of Crews (Supplementary Provisions) Convention, 1970

47. The Chairperson noted that the Office's proposal needed to be modified to take into account the recommendation adopted during examination of Convention No. 92.
48. The Working Party proposes:

(a) to recommend to the Governing Body the maintenance of the status quo with respect to the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133);

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 133 in due course.


49. The Working Party expressed its agreement with the Office's proposals. It proposes:

(a) to recommend to the Governing Body to invite member States to contemplate 'ratifying the Seafarers' Identity Documents Convention, 1958 (No. 108);

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 108 in due course.

* * *

II. Other Conventions

Certificates of competency

II.1. C.69 — Certification of Ships' Cooks Convention, 1946

50. The Working Party agreed with the proposal contained in paragraph (a) of the Office paper.
51. The Working Party proposes:
(a) to recommend to the Governing Body to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Certification of Ships' Cooks Convention, 1946 (No. 69), or that might point to the need for a full or partial revision of the Convention;
(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 69 in due course.

II.2. C.74 — Certification of Able Seamen Convention, 1946

52. The Employer members supported paragraph (b) of the Office's proposals.
53. The Worker members preferred the proposal contained in paragraph (a).
54. A representative of the Director-General said that able seamen were not referred to as a category of seafarers in the OMI's STCW Convention. The Office does not have sufficient information on the extent to which able seamen are recruited, and it would need more data from member States to evaluate what action is appropriate with regard to Convention No. 74.
55. In the light of this explanation, the Employer members also supported paragraph (a) of the Office's proposals.
56. The Working Party proposes:
(a) to recommend to the Governing Body to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Certification of Able Seamen Convention, 1946 (No. 74), or that point to the need for a full or partial revision of the Convention;
(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 74 in due course.

General conditions of employment

II.3. C.54 — Holidays with Pay (Sea) Convention, 1936

57. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body:
(a) to invite the States parties to the Holidays with Pay (Sea) Convention, 1936 (No. 54), to contemplate ratifying the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146);
(b) that it propose to the Conference the withdrawal of Convention No. 54.

II.4. C.72 — Paid Vacations (Seafarers) Convention, 1946

58. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body:
(a) to invite the State party to the Paid Vacation (Seafarers) Convention, 1946 (No. 72), to contemplate ratifying the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146);
(b) that it propose to the Conference the withdrawal of Convention No. 72.
II.4. C.91 — Accommodation of Crews Convention (Revised), 1949

59. The Employer members supported paragraphs (a) and (b) of the Office’s proposals.

60. The Worker members supported the proposals contained in paragraphs (a) and (c).

61. The Chairperson pointed out that it would be somewhat delicate to propose abrogating a Convention that was still binding on 17 member States.

62. The Employer members noted that this point was valid as regards abrogation but not as regards shelving the Convention.

63. After an exchange of views, the Working Party proposes:

(a) to recommend to the Governing Body:

(i) to invite States parties to the Paid Vacation (Seafarers) Convention (Revised), 1949 (No. 91), to contemplate ratifying the Seafarers’ Annual Leave with Pay Convention, 1976 (No. 146), which will, ipso jure, involve the immediate denunciation of Convention No. 91;

(ii) that Convention No. 91 be shelved with immediate effect;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 91 in due course, with a view to its possible abrogation when the level of ratifications of Convention No. 91 has substantially decreased as a consequence of ratification of Convention No. 146.

II.6. C.146 — Seafarers’ Annual Leave with Pay Convention, 1976

64. Replying to a question raised by the Worker members, a representative of the Director-General said that there was a logical link between promoting ratification of Convention No. 146 and requesting information on obstacles to its ratification. Once it knew what these obstacles were, the Office would, if necessary, be able to provide States with technical assistance to overcome them.

65. The Working Party expressed its agreement with the proposals made by the Office. It proposes:

(a) to recommend to the Governing Body to invite member States to contemplate ratifying the Seafarers’ Annual Leave with Pay Convention, 1976 (No. 146), and to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of Convention No. 146;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 146 in due course.

II.7. C.57 — Hours of Work and Manning (Sea) Convention, 1936

66. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body:

(a) to invite the States parties to the Hours of Work and Manning (Sea) Convention, 1936 (No. 57), to contemplate ratifying the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996 (No. 180);

(b) that it propose to the Conference the withdrawal of Convention No. 57.
II.8. C.76 — Wages, Hours of Work and Manning (Sea) Convention, 1946

67. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body:*

(a) to invite the States parties to the Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76), to contemplate ratifying the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996 (No. 180);

(b) that it propose to the Conference the withdrawal of Convention No. 76.

II.9. C.93 — Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949

68. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body:*

(a) to invite the States parties to the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93), to contemplate ratifying the Seafarers’ Hours of Work and Manning (Sea) Convention, 1996 (No. 180);

(b) that it propose to the Conference the withdrawal of Convention No. 93.

II.10. C.109 — Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958

69. The Working Party expressed its agreement with the proposals made by the Office. *It proposes:*

(a) to recommend to the Governing Body to invite the States parties to the Wages, Hours of Work and Manning (Sea) Convention, 1958 (No. 109), to contemplate ratifying the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996 (No. 180);

(b) that the Working Party (or the ILHS Committee) re-examine the status of this Convention, including its possible withdrawal, in due course, after the entry into force of Convention No. 180.

Safety, health and welfare

II.11. C.75 — Accommodation of Crews Convention, 1946

70. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body:*

(a) to invite the State party to Accommodation of Crews Convention, 1946 (No. 75), to contemplate ratifying the Accommodation of Crews Convention, 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133);

(b) that it propose to the Conference the withdrawal of Convention No. 75.

* * *
III. Social security

III.1. C.88 — Unemployment Indemnity (Shipwreck) Convention, 1920

III.2. C.55 — Shipowners’ Liability (Sick and Injured Seamen) Convention, 1936

III.3. C.56 — Sickness Insurance (Sea) Convention, 1936

III.4. C.70 — Social Security (Seafarers) Convention, 1946

III.5. C.71 — Seafarers’ Pensions Convention, 1946

71. The Employer members said that these Conventions should be analysed in the broader context of social security, which was included in the portfolio.

72. The Worker members observed that the Conventions dealt with different matters.

73. The Working Party proposes:

(a) to recommend to the Governing Body that it invite the Joint Maritime Commission to undertake a case-by-case examination of the instruments concerning social security for seafarers and to submit its conclusions to the Governing Body;

(b) that the Working Party (or the LILS Committee) examine the instruments concerning social security for seafarers, in due time, based on the conclusions by the Joint Maritime Commission.

IV. Fishermen

IV.1. C.12 — Minimum Age (Fishermen) Convention, 1959

IV.2. C.113 — Medical Examination (Fishermen) Convention, 1959

IV.3. C.114 — Fishermen’s Articles of Agreement Convention, 1959

IV.4. C.125 — Fishermen’s Competency Certificates Convention, 1966

IV.5. C.126 — Accommodation of Crews (Fishermen) Convention, 1966

74. The Working Party expressed its agreement with the proposals made by the Office. It proposes:

(a) to recommend to the Governing Body that it invite the Tripartite Meeting on Safety and Health in the Fishing Industry to be held on 13-17 December 1999 to examine the instruments concerning fishermen and to submit its conclusions to the Governing Body;

(b) that the Working Party (or the LILS Committee) examine the instruments concerning fishermen, in due time, based on the conclusions by the Tripartite Meeting on Safety and Health in the Fishing Industry.

C. Examination of Recommendations (first stage) 

75. The Chairperson recalled that the Working Party had agreed on the methodology to be followed for the examination of Recommendations. Once the Working Party had completed its examination of the Recommendations, a document on the juridical implications of their replacement would be prepared by the Office. The Worker members stated that a question regarding the scope of the Working Party’s mandate would be raised.

3 GB.274/LILS/WP/PRS/3.
in connection with certain Recommendations. Specifically, they felt that, while the Working Party could recommend that the Governing Body include certain items in the portfolio, it was not its business to tell the Governing Body what items it should place on the agenda of the Conference. The Employer members voiced the same concern.

I. Fundamental rights

*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

    76. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to 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

    77. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body to invite member States to give effect to the Workers with Family Responsibilities Recommendation, 1981 (No. 165).*

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II. Employment

*Employment policy*

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

    78. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body:*

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

    (b) *that it propose to the Conference the withdrawal of Recommendation No. 1.*
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

79. The Working Party expressed its agreement with the proposals made by the Office. It proposes to 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 Co-operation) 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) that it propose to the Conference the withdrawal of Recommendations Nos. 11, 45, 50, 51 and 73.

II.3.  

R.71 — Employment (Transition from War to Peace) Recommendation, 1944

80. The Worker members asked that paragraph (a)(ii) of the Office’s proposal be deleted for the reason they had given earlier, namely that it was not part of the Working Party’s mandate to invite the Governing Body to take a decision on the items to be included in the Conference agenda. The Employer members agreed with this view.

81. A representative of the Director-General explained that, hitherto, the Working Party had recommended the inclusion of questions of revision in the portfolio of proposals for the agenda of the Conference. Moreover, the question of the ILO’s contribution to peace-building operations, including the examination of Recommendation No. 71, was in fact already included in the portfolio. In his opinion, the two paths should not necessarily remain parallel and the Working Party was entitled to propose that Recommendation No. 71 be taken into consideration within the context of the portfolio.

82. The Worker members said that, if such a proposal were to be made, it would give rise to further debate within their group as to what should be included in the items on the Conference agenda. They felt that it was the Governing Body’s responsibility to take a decision on the subject.

83. The Employer members agreed and observed that the link with the point in the portfolio was referred to in the Office’s report and that the Governing Body could take it into account itself.

84. The proposal made by the Office as amended by the Worker members was adopted.

85. The Working Party proposes:

(a) to recommend the Governing Body to invite member States to inform the Office of the possible need to replace the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71);

(b) that the Working Party (or the LILS Committee) re-examine the status of Recommendation No. 71 in due course.
86. The Worker members considered that this Recommendation was up to date and wished member States to be invited to give effect to it. The Employer members said that they were not against the discussion on human resources development (which was already on the agenda of the Conference) taking this instrument into account. They felt that, until that general discussion had been held, it was not possible to determine whether the Special Youth Schemes Recommendation, 1970 (No. 136), was technically up to date.

87. The Working Party proposes:

(a) to recommend to the Governing Body the maintenance of the status quo with respect to the Special Youth Schemes Recommendation, 1970 (No. 136);

(b) that the Working Party (or the LILS Committee) re-examine the status of Recommendation No. 136 in due course.

Employment services and fee-charging employment agencies

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

88. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body:

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

(b) that it propose to the Conference the withdrawal of Recommendation No. 42.

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

89. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body that it:

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

(b) propose to the Conference the withdrawal of Recommendation No. 72.

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

90. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body the maintenance of the status quo with respect to the Employment Service Recommendation, 1948 (No. 83).

Vocational guidance and training

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

91. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body that it:

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

(b) propose to the Conference the withdrawal of Recommendation No. 15.
II.9. R.56 — Vocational Education (Building)
Recommendation, 1937

92. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body that it:
(a) note that the Vocational Education (Building) Recommendation, 1937 (No. 56) is obsolete;
(b) propose to the Conference the withdrawal of Recommendation No. 56.

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

93. The Working Party expressed its agreement with the proposals made by the Office. It proposes to recommend to the Governing Body to note:
(a) the replacement of the Vocational Training Recommendation, 1939 (No. 57), the Apprenticeship Recommendation, 1939 (No. 60), and the Vocational Training (Adults) Recommendation, 1950 (No. 88), by the Vocational Training Recommendation, 1962 (No. 117); and
(b) the replacement of the Vocational Guidance Recommendation, 1949 (No. 87), the Vocational Training (Agriculture) Recommendation, 1956 (No. 101), and Recommendation No. 117 by the Human Resources Development Recommendation, 1975 (No. 150).

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

94. The Employer members were in favour of the status quo for the Human Resources Development Recommendation, 1975 (No. 150). The Worker members recalled that the Governing Body had decided to promote ratification of the Human Resources Development Convention, 1975 (No. 142), and proposed that member States be invited to give effect to Recommendation No. 150. The Chairperson stated that the status quo was a temporary solution that allowed for subsequent re-examination after the general discussion on human resources development that was to be held at the Conference.

95. The Working Party proposes:
(a) to recommend to the Governing Body the maintenance of the status quo with respect to the Human Resources Development Recommendation, 1975 (No. 150);
(b) that the Working Party (or the LILS Committee) re-examine the status of Recommendation No. 150 in due course.
Rehabilitation and employment of disabled persons


R.168 — Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983

96. The Working Party expressed its agreement with the proposals made by the Office. **It proposes to recommend to the Governing Body to invite 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).**

Employment security


97. The Working Party expressed its agreement with the proposals made by the Office. **It proposes to recommend to the Governing Body that it note the replacement of the Termination of Employment Recommendation, 1963 (No. 119), by the Termination of Employment Convention, 1982 (No. 158) and Recommendation No. 166.**


98. The Working Party agreed to postpone examination of the Termination of Employment Recommendation, 1982 (No. 166), to a subsequent session when the findings of the short survey on the Termination of Employment Convention, 1982 (No. 158), would be known.

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III. Social policy

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

99. The Chairperson recalled that the question of the promotion of cooperatives, including the possible replacement of the Co-operatives (Developing Countries) Recommendation, 1966 (No. 127), was one of the proposals that had been submitted to the current session of the Governing Body with a view to establishing the agenda of the 89th Session (2001) of the Conference. That being so, the Working Party agreed to postpone examination of this Recommendation.

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IV. Labour administration

General remarks


100. The Working Party expressed its agreement with the proposals made by the Office. **It proposes to recommend to the Governing Body to invite member States to give effect to the Labour Administration Recommendation, 1978 (No. 158).**
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

101. The Working Party agreed with the proposals made by the Office.

102. The Working Party proposes to recommend to the Governing Body:
(a) that it 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;
(b) that it propose to the Conference the withdrawal of Recommendations Nos. 5, 54 and 59.

103. Furthermore, the Working Party proposes the maintenance of the status quo with regard to the Labour Inspection Recommendation, 1923 (No. 20).

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Statistics


104. The Working Party expressed its agreement with the proposals made by the Office. The Working Party proposes to recommend to the Governing Body to invite member States to inform the Office on the possible need to replace the Migration Statistics Recommendation, 1922 (No. 19).

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105. The Working Party agreed to postpone its examination of the other Recommendations analysed in the Office paper to its next session.

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106. The Committee on Legal Issues and International Labour Standards is invited to:
(a) take note of the report of the Working Party on Policy Regarding the Revision of Standards, based on the documents submitted by the Office;
(b) adopt the proposals in the corresponding paragraphs of this report on which the Working Party has reached consensus.


Point for decision: Paragraph 106.