FOURTH ITEM ON THE AGENDA

Examination of Recommendations
(Second stage)

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Introduction

1. During the 273rd Session of the Governing Body in November 1998, the Working Party adopted the methodology for the examination of international labour Recommendations(1) and, during the subsequent session of the Governing Body, the Working Party examined an initial group of 35
Recommendations on the basis of a paper submitted by the Office.

2. Forty-three Recommendations are examined in the present document. They include seven Recommendations concerning industrial relations, 14 concerning working conditions, 21 applicable to seafarers and one concerning inland navigation.

3. It should be recalled that, in accordance with the methodology approved by the Working Party, in the examination of individual instruments, the case of Recommendations that have been replaced by decision of the Conference is distinguished from that of Recommendations that might de facto have become obsolete following a change in circumstances or the adoption of subsequent standards on the same subject. The Office has reserved the term "replace" or "supersede" without qualification for the first cases, that is to say, cases where Recommendations have been replaced in the juridical sense. In the second case, the document makes it clear that Recommendations have been replaced or superseded de facto. Furthermore, Recommendations have been divided into two groups, depending on whether they are linked to a Convention or autonomous, based on the principle, as the Working Party has emphasized at its previous meetings, that the outcome for the Recommendation should normally be the same as that of the Convention to which it is linked. In order to facilitate examination, a new synoptic table of instruments examined has been produced (Appendix I). This table indicates whether a Recommendation is autonomous or linked to a Convention, whether or not it is reproduced in the Office's compilation, and, where appropriate, the decision taken by the Governing Body concerning the corresponding Convention. A table of the instruments listed in the Appendix to the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155), is also attached (Appendix II).

A summary of the proposals

4. The Working Party is invited to examine the following proposals:

(i) Recommendations that have been replaced: The Working Party is invited to recommend to the Governing Body that it note the replacement (in the juridical sense) of four Recommendations by subsequent instruments.

(ii) Obsolete Recommendations: When a Recommendation can be considered as being obsolete and there is no reason to contemplate 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 12 Recommendations.

(iii) Promotion of up-to-date Recommendations: Where a Recommendation can be considered as up to date, the Working Party is invited to recommend to the Governing Body that it promote the said Recommendation and invite member States to give effect to it, in accordance with the provisions of article 19 of the Constitution. This proposal relates to ten Recommendations.
(iv) **Recommendation that should be replaced**: One Recommendation\(^{(9)}\) is linked to a Convention whose revision was decided by the Governing Body following the examination by the Working Party. It is therefore proposed that the Recommendation in question should be replaced.

(v) **Recommendations whose need for replacement should be evaluated**: Certain factors suggest that nine Recommendations are out of date in certain respects.\(^{(10)}\) Member States might be invited to provide additional information with a view to evaluating the need for replacing these instruments.

(vi) **Status quo**: It is proposed to the Working Party to recommend to the Governing Body that it maintain the status quo with regard to seven Recommendations.\(^{(11)}\)

### I. Industrial relations

#### I.1.

**R.91 -- Collective Agreements Recommendation, 1951**

(1) **Related instruments**: This Recommendation is autonomous. The Preamble of the Collective Bargaining Convention, 1981 (No. 154), cites Recommendation No. 91 as one of the instruments containing international standards of "key importance" and emphasizes the general principles set out in its Paragraph 1. Convention No. 154 is intended to supplement those general principles.

(2) **Need for revision**: The in-depth review of international labour standards of 1974 found that this instrument was of continuing interest.\(^{(12)}\) The Ventejol Working Parties of 1979 and 1987 placed it in the category of instruments to be promoted on a priority basis.\(^{(13)}\) The Recommendation concerns the juridical status of collective agreements. The basic principles which it contains are still valid, and the Recommendation would appear still to play a useful role.

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

#### I.2.

**R.92 -- Voluntary Conciliation and Arbitration Recommendation, 1951**

(1) **Related instruments**: These Recommendations are autonomous. Recommendation No. 130 is intended, in particular, to supplement Recommendations Nos. 91 and 92, the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), and the Termination of Employment Recommendation, 1963 (No. 119).
(2) Need for revision: The interest in these two Recommendations was noted in the 1974 review and by the Ventejol Working Parties of 1979 and 1987. The subjects covered by the instruments relate directly to the question of new trends in prevention and resolution of labour disputes, which is included in the portfolio of proposals for the agenda of the 90th Session (2002) of the Conference with a view to a general discussion. According to a previous analysis of the subject, the many developments and changes that have occurred in the field of industrial relations and labour disputes are such that it would be timely to re-examine the provisions of these Recommendations in order to bring the language and concepts up to date. Recommendation No. 92 in particular seems too limited, as it proposes no other form of dispute settlement than conciliation and arbitration. Given the link between the issues covered by Recommendation No. 92 and Recommendation No. 130 (which concerns grievances within the undertaking), the Working Party might wish to have additional information from member States on the possible need to replace these Recommendations.

(3) Proposals:

(a) The Working Party might recommend to the Governing Body to invite member States to communicate to the Office any additional information on the possible need to replace the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), and the Examination of Grievances Recommendation, 1967 (No. 130).

(b) The Working Party (or the Committee on Legal Issues and International Labour Standards) could re-examine the status of Recommendations Nos. 92 and 130 in due course.

I.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 review noted that the instruments were of continuing interest. The Ventejol Working Parties of 1979 and 1987 classified them in the category of instruments to be promoted on a priority basis. The intended purpose 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, relates to an area that has developed considerably since 1967. Both instruments are cited in the analysis of the question of workers' participation in decision-making at the level of the enterprise which is listed in the portfolio of proposals for the agenda of the 90th Session (2002) of the Conference. That document suggests that the proposed general discussion should make it possible to identify which principles contained in ILO instruments are still relevant and which need to be re-examined. The Working Party might wish to have additional information from
member States on the possible need to replace Recommendations Nos. 94 and 129.

(3) Proposals:

(a) The Working Party might recommend to the Governing Body to invite member States to send the Office any additional information they may have on the possible need to replace 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 Recommendations Nos. 94 and 129 in due course.

I.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 review(19) 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(20) indicated that "the aspects of tripartite cooperation that could 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 that instrument. The resolution adopted by the Conference at the end of the discussion does not refer to the adoption of new standards. In the absence of any indications to the contrary, the instrument can still be considered as being up to date.

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

I.5.


(1) Related instruments: This Recommendation is linked to the Collective Bargaining Convention, 1981 (No. 154), which it supplements. The Recommendation states in paragraph 9 that it does not revise any existing Recommendation.

(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 during the 268th Session of the Governing Body.\(^{(21)}\) It was decided to invite member States to examine the possibility of ratifying it and to inform the Office of any obstacles and difficulties encountered in this respect.\(^{(22)}\) In the absence of any indication to the contrary, the Recommendation can be considered as being up to date.


* * *

II. Conditions of work

5. Within the area of conditions of work, five Recommendations concerning wages and nine Recommendations concerning hours of work are examined.

Wages -- Minimum wage-fixing machinery

II.1.

R.30 -- Minimum Wage-Fixing Machinery Recommendation, 1928
R.89 -- Minimum Wage-Fixing Machinery (Agriculture) Recommendation, 1951

(1) Related instruments: Recommendation No. 30 and Recommendation No. 89 are linked respectively to the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), and the Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99), and supplement those instruments.

(2) Need for revision: The in-depth review of 1974 considered that Recommendations Nos. 30 and 89 had been de facto replaced by the Minimum Wage-Fixing Convention, 1970 (No. 131), and the Minimum Wage-Fixing Recommendation, 1970 (No. 135).\(^{(23)}\) The Ventejol Working Parties of 1979 and 1987 classified both Recommendations in the category of "other instruments". They are not reproduced in the Office's compilation. Conventions Nos. 26 and 99 were examined by the Working Party during the 267th and 268th Sessions of the Governing Body.\(^{(24)}\) On the latter occasion, the Office recalled\(^{(25)}\) that the Minimum Wage-Fixing Convention, 1970 (No. 131), was intended to supplement rather than replace Conventions Nos. 26 and 99, and that the latter could still be ratified by member States that were not in a position to provide better protection. In the light of these factors, the Governing Body decided to maintain the status quo with regard to Conventions Nos. 26 and 99.\(^{(26)}\) The Preamble of Recommendation No. 135 for its part states that Recommendations Nos. 30 and 89 contain valuable guidelines for minimum wage-fixing bodies. Both instruments provide indications of possible wage-fixing machinery for implementing Conventions Nos. 26 and 99 which are not given in the new instruments. Under these circumstances, it does not seem necessary to act on the conclusions that resulted from previous evaluations, since Recommendations Nos. 30 and 89 are of continuing interest.
The decisions adopted with regard to Conventions Nos. 26 and 99 also appear to be valid for Recommendations Nos. 30 and 89 which accompany them. Consequently, the Working Party might recommend the maintenance of the status quo with regard to these two Recommendations.

(3) **Proposal:** The Working Party might recommend to the Governing Body the maintenance of the status quo with regard to the Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30) and the Minimum Wage-Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89).

II.2.

**R.135 -- Minimum Wage Fixing Recommendation, 1970**

(1) **Related instruments:** This Recommendation is linked to the Minimum Wage-Fixing Convention, 1970 (No. 131), which it supplements.

(2) **Need for revision:** The in-depth review of 1974 noted that "In the field of minimum wages, the Convention and Recommendation adopted in 1970 represent the principal target of achievement for national measures". The Ventejol Working Parties of 1979 and 1987 classified Recommendation No. 135 in the category of instruments to be promoted on a priority basis. Convention No. 131 was examined by the Working Party during the 267th and 268th Sessions of the Governing Body. The Governing Body decided to invite member States to contemplate ratifying the Convention and to inform the Office of the obstacles and difficulties encountered in this regard. Recommendation No. 135 can also be considered as being up to date.

(3) **Proposal:** The Working Party might recommend to the Governing Body to invite member States to give effect to the Minimum Wage-Fixing Recommendation, 1970 (No. 135).

**Wages -- Protection of wages**

II.3.

**R.85 -- Protection of Wages Recommendation, 1949**

(1) **Related instruments:** This Recommendation is linked to the Protection of Wages Convention, 1949 (No. 95), which it supplements.

(2) **Need for revision:** The 1974 in-depth review noted that the protection of wages instruments appeared still to be of current interest. The Ventejol Working Parties of 1979 and 1987 classified Recommendation No. 85 in the category of instruments to be promoted on a priority basis. Convention No. 95 was examined by the Working Party during the 267th, 270th and 271st Sessions of the Governing Body. The Governing Body decided to invite member States to contemplate ratification
and to draw their attention to the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), which revises Article 11 of Convention No. 95. This partial revision relates to a specific issue which is not covered by Recommendation No. 85. The provisions of that instrument still appear to be relevant.

(3) **Proposal:** The Working Party might recommend to the Governing Body to invite member States to give effect to the Protection of Wages Recommendation, 1949 (No. 85).

**Wages -- Labour clauses in public contracts**

**II.4.**

**R.84 -- Labour Clauses (Public Contracts) Recommendation, 1949**

(1) **Related instruments:** This Recommendation is linked to the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), which it supplements.

(2) **Need for revision:** The 1974 in-depth review stated that this instrument appeared still to be of current interest and the two Ventejol Working Parties of 1979 and 1987 classified it in the category of instruments to be promoted on a priority basis. Convention No. 94 was submitted to the Working Party for examination during the 267th, 270th and 273rd Sessions of the Governing Body. The Governing Body decided to invite member States to consider the possibility of ratification. The Recommendation can also be considered as being up to date.

(3) **Proposal:** The Working Party might recommend to the Governing Body that it invite the member States to give effect to the Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84).

**Hours of work**

**II.5.**

**R.37 -- Hours of Work (Hotels, etc.) Recommendation, 1930**
**R.38 -- Hours of Work (Theatres, etc.) Recommendation, 1930**
**R.39 -- Hours of Work (Hospitals, etc.) Recommendation, 1930**

(1) **Related instruments:** These three Recommendations are linked to the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30). Each of these instruments relates to a different category of establishment.

(2) **Need for revision:** The purpose of these three Recommendations was to invite the member States to conduct inquiries into hours of work of different categories of workers excluded from the scope of
Convention No. 30 and to inform the ILO of the results of that survey within a period of four years following the adoption of these Recommendations. These inquiries were intended to allow the Governing Body to examine the possibility of adopting Conventions in this area at a later date. The 1974 in-depth review noted that the force of these Recommendations was now spent\(^{(36)}\) and the Ventejol Working Parties of 1979 and 1987 classified them in the category of "other instruments". They are not reproduced in the Office's compilation. These three Recommendations have now lost their intended purpose, which was strictly time-limited. Furthermore, the issue of hours of work of nursing personnel is currently dealt with in the Nursing Personnel Convention (No. 149) and Recommendation (No. 157) of 1977, and the issue of hours of work in the hotel and catering sector is dealt with in the Working Conditions (Hotels and Restaurants) Convention (No. 172) and Recommendation (No. 179) of 1991. In addition, the Reduction of Hours of Work Recommendation, 1962 (No. 116), is applicable to all categories of workers (see II.8 below). Consequently, Recommendations Nos. 37, 38 and 39 can be considered as being obsolete.

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

(a) to note that the Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37), the Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38), and the Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39) are obsolete;

(b) to propose to the Conference the withdrawal of Recommendations Nos. 37, 38 and 39 in due course.

II.6.

**R.63 -- Control Books (Road Transport) Recommendation, 1939**
**R.64 -- Night Work (Road Transport) Recommendation, 1939**
**R.65 -- Methods of Regulating Hours (Road Transport) Recommendation, 1939**
**R.66 -- Rest Periods (Private Chauffeurs) Recommendation, 1939**

(1) **Related instruments:** The four Recommendations are linked to the Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67). That Convention was revised by the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153). The Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161), was adopted in conjunction with Convention No. 153.

(2) **Need for revision:** The in-depth review of 1974 considered that Convention No. 67 was no longer adapted to present conditions, although it emphasized that the regulation of hours of work in road transport was a matter of considerable importance.\(^{(37)}\) The Ventejol Working Parties of 1979 and 1987 classified all four Recommendations in the category of "other instruments". They are not reproduced in the Office's compilation. Convention No. 67 was examined by the Working Party during the 265th Session of the Governing Body.\(^{(38)}\) The Governing Body decided to shelve it with immediate effect.\(^{(39)}\) The provisions contained in Recommendations Nos. 63, 65 and 66, concerning respectively control
books, the establishment of bargaining machinery with a view to implementing Convention No. 67 and
the establishment of specific provisions covering private chauffeurs, were superseded de facto by the
provisions contained in Convention No. 153 and Recommendation No. 161. As for Recommendation
No. 64, it embodies an approach to the issue of night work which would appear to have become outdated
since the adoption of the Night Work Convention (No. 171) and Recommendation (No. 178) in 1990. In
particular, the emphasis in the new standards is no longer, as it was in Recommendation No. 64, on
restrictions on the possibilities for night work, but on the protection of the safety and health of night
workers, including the possibility of providing an alternative to night work in certain situations.
Consequently, Recommendations Nos. 63, 64, 65 and 66 can be considered obsolete.

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

(a) to note that the Control Books (Road Transport) Recommendation, 1939 (No. 63), the Night
Work (Road Transport) Recommendation, 1939 (No. 64), the Methods of Regulating Hours
(Road Transport) Recommendation, 1939 (No. 65), and the Rest Periods (Private Chauffeurs)
Recommendation, 1939 (No. 66), are obsolete;

(b) to propose to the Conference the withdrawal of Recommendations Nos. 63, 64, 65 and 66 in
due course.

II.7.

**R.161 -- Hours of Work and Rest Periods (Road Transport) Recommendation, 1979**

(1) **Related instruments:** The Recommendation was adopted in conjunction with the Hours of Work and
Rest Periods (Road Transport) Convention, 1979 (No. 153).

(2) **Need for revision:** Following the examination of Convention No. 153 by the Working Party, the
Governing Body at its 271st Session decided that the Convention should be revised and that this
question be included in the portfolio of proposals for the Conference agenda. Since the provisions
contained in Recommendation No. 161 are parallel to those of Convention No. 153 which they
supplement, both instruments should be treated in the same way. The Working Party might therefore
recommend the revision of Recommendation No. 161 which could be undertaken in conjunction with
the revision of Convention No. 153.

(3) **Proposal:** The Working Party might recommend to the Governing Body the revision of the Hours of
Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161), together with the revision
of the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), and the inclusion
of this question in the portfolio of proposals for the Conference agenda.

II.8.
R.116 -- Reduction of Hours of Work Recommendation, 1962

(1) Related instruments: The Recommendation is autonomous. According to its Preamble, Recommendation No. 116 is designed to supplement and facilitate the implementation of existing instruments on hours of work by indicating practical measures which take into account various economic and social conditions and national practices, by outlining possible methods of application, by indicating the standard set out as a principle by the Forty-Hour Week Convention, 1935 (No. 47), as a social standard to be reached by stages, if necessary, and by the setting of a maximum limit to normal hours of work in pursuance of the Hours of Work (Industry) Convention, 1919 (No. 1).

(2) Need for revision: The 1974 in-depth review considered that the Recommendation embodied the most recent standards on hours of work. The two Ventejol Working Parties of 1979 and 1987 classified the Recommendation in the category of instruments to be promoted on a priority basis. The 1984 General Survey on working time indicated that because of its progressive nature and its flexibility, Recommendation No. 116 had shown itself to be the suitable instrument for guidance on the issue of reducing working time. A meeting of experts on hours of work took place in 1993. In their conclusions, they noted "the diversity of working-time arrangements in different countries, sectors and even enterprises, as well as the rapidity of change and the search for flexibility in this regard, and the concerns they raise in terms of workers' protection and business efficiency". The experts agreed that the ILO should give high priority to its collection and dissemination of information on working-time issues. Currently, Recommendation No. 116 is the only generally applicable instrument in this area and provides a useful basis for recent developments in the area of working-time arrangements. This Recommendation can be considered as up to date. Nevertheless, should a general re-examination of all the instruments on hours of work be considered, it should obviously include Recommendation No. 116.

(3) Proposal: The Working Party might recommend to the Governing Body that it invite member States to give effect to the Reduction of Hours of Work Recommendation, 1962 (No. 116).

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III. Particular occupational sectors

6. In this section, 22 Recommendations are examined. All but one apply to seafarers, and one concerns inland boatmen. The methodology applied for the examination of these Recommendations is essentially the same as that for other Recommendations. However, as in the case of the examination of the Conventions concerning seafarers and through a special informal consultation procedure, special expertise has been requested from constituent members of the Joint Maritime Commission (JMC).

7. As explained in more detail previously, an informal Joint Working Group, composed of shipowners' and seafarers' representative organizations, has formulated unanimous views on the instruments concerning seafarers, including the Recommendations. The comments of this Joint
Working Group are presented in the context of the examination of each Recommendation and have been duly examined in the light of the factual information available to the Office and the previous practice of the Working Party.

Seafarers -- general

III.1.

R.155 -- Merchant Shipping (Improvements of Standards) Recommendation, 1976

(1) Related instruments: This Recommendation is linked to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), which it supplements.

(2) Comments from shipowners' and seafarers' organizations: The Joint Working Group proposes that Recommendation No. 155 be promoted and that the Appendix thereto be re-examined in due course in the light of new instruments.

(3) Need for revision: The Ventejol Working Parties of 1979 and 1987 both classified this Recommendation in the category of instruments "to be promoted on a priority basis". Convention No. 147 was partially revised by the adoption of a Protocol in 1996. This revision did not include a revision of Recommendation No. 155. Following the examination of Convention No. 147 by the Working Party in March 1999, the Governing Body decided to promote the ratification of this Convention and its Protocol of 1996, and that the list of Conventions in its Appendix be re-examined in due course, in the light of developments in the industry and the adoption of new instruments. It should be noted that Recommendation No. 155, Convention No. 147 and its Protocol of 1996 use a similar legal drafting technique, i.e. the main substantive provisions are contained in lists of instruments appended to the instruments. Paragraph 2 of Recommendation No. 155 refers, in fact, both to the instruments listed in its Appendix and to the instruments contained in the Appendix to Convention No. 147. A list of the instruments in the Appendices to Convention No. 147, its 1996 Protocol and Recommendation No. 155, as well as relevant Governing Body decisions regarding these instruments appears in Appendix II to the present document. The relationship between the Convention No. 147 and Recommendation No. 155 is particularly close. The same type of action is hence proposed with respect to Recommendation No. 155 as has been decided regarding Convention No. 147. It would also seem appropriate to consider any future review of Recommendation No. 155 in conjunction with any future review of Convention No. 147.

(4) Proposals: The Working Party might recommend to the Governing Body:

(a) that it invite member States to give effect to the Merchant Shipping (Improvements of Standards) Recommendation, 1976 (No. 155);

(b) that the Working Party (or the LILS Committee) re-examine the list of instruments in the Appendix to Recommendation No. 155 in due course, in the light of developments in the industry
and the adoption of new instruments.

III.2.

**R.9 -- National Seamen's Codes Recommendation, 1920**

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

(2) *Comments from shipowners' and seafarers' organizations:* The Joint Working Group recommends that this Recommendation be maintained.

(3) *Need for revision:* This instrument is very short and contains a basic principle. It provides that the national laws and regulations concerning seafarers be embodied in a national seamen's code. In the 1974 in-depth study it was noted that although most important maritime countries have established a seamen's code, many countries had not yet done so and that, consequently, the basic principle laid down in the Recommendation remained of interest.\(^{(50)}\) While the Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of "other instruments", the conclusion of 1974 seem still to have some validity. It is therefore proposed to maintain the status quo with respect to this Recommendation.

(4) *Proposal:* The Working Party might recommend to the Governing Body the maintenance of the status quo with regard to the National Seamen's Codes Recommendation, 1920 (No. 9).

III.3.

**R.107 -- Seafarers' Engagement (Foreign Vessel) Recommendation, 1958**

**R.108 -- Social Conditions and Safety (Seafarers) Recommendation, 1958\(^{(51)}\)**

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

(2) *Comments from shipowners' and seafarers' organizations:* The Joint Working Group recommends that both Recommendations be maintained.

(3) *Need for revision:* The ILO has for a long time advocated the importance of the effective implementation of maritime labour standards, inter alia, through an effective flag state and port state control. Recommendations Nos. 107 and 108 are relevant in this context. The stated purpose of adopting the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and the Merchant Shipping (Improvements of Standards) Recommendation, 1976 (No. 155),\(^{(52)}\) was to ensure that the provisions in Recommendations Nos. 107 and 108 would be confirmed and applied. Following the adoption of Convention No. 147 and Recommendation No. 155, the Ventejol Working Parties of 1979 and 1987 both classified Recommendations Nos. 107 and 108 in the category of "other instruments", and they are
not reproduced in the Office's compilation. Contrary to Recommendations Nos. 107 and 108, Convention No. 147 and Recommendation No. 155 do not apply to all vessels. In view of this fact and the comments of the Joint Working Group, it is proposed to maintain the status quo with respect to these Recommendations.

(4) **Proposal:** The Working Party might recommend to the Governing Body the maintenance of the status quo with respect to the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107), and the Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108).

### III.4.

**R.139 -- Employment of Seafarers (Technical Developments) Recommendation 1970 (No. 139)**

1. **Related instruments:** This Recommendation is autonomous.

2. **Comments from shipowners' and seafarers' organizations:** The Joint Working Group recommends that Recommendation No. 139 be maintained.

3. **Need for revision:** The Ventejol Working Parties of 1979 and 1987 classified this instrument in the category of "instruments to be promoted on a priority basis" except for its Part IV (Regularity of employment and income). This Part has, de facto, been superseded by the Continuity of Employment (Seafarers) Convention, 1976 (No. 145) and its accompanying Recommendation, 1976 (No. 154). Furthermore, it should be noted that paragraphs 5 and 6 of Part II (Recruitment and placement) have, de facto, been superseded by the recent adoption of the Recruitment and Placement of Seafarers Convention, 1996 (No. 179) and its accompanying Recommendation, 1996 (No. 186). In view of this fact and the Joint Working Group's recommendation, the Working Party might wish additional information to be requested regarding the possible need to replace the remaining parts of this Recommendation on manpower planning, recruitment and placement (except Paragraphs 5 and 6), training and retraining, regularity of employment and income and international cooperation.

4. **Proposals:**

   a) The Working Party might recommend to the Governing Body that it invite member States to communicate to the Office any additional information on the possible need to replace the Employment of Seafarers (Technical Development) Recommendation, 1970 (No. 139).

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

### III.5.
R.154 -- Continuity of Employment (Seafarers) Recommendation, 1976

(1) Related instruments: This Recommendation is linked to the Continuity of Employment (Seafarers) Convention, 1976 (No. 145), which it supplements.

(2) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommends that this Recommendation be promoted.

(3) Need for revision: The Ventejol Working Parties of 1979 and 1987 classified this Recommendation as an "instrument to be promoted on a priority basis". Following its examination, the Governing Body decided to promote the ratification of Convention No. 145 and to request additional information regarding possible obstacles and difficulties encountered in this respect. In the absence of any information to the contrary, Recommendation No. 154 appears to be up to date.


Training and entry into employment

III.6.

R.77 -- Vocational Training (Seafarers) Recommendation, 1946
R.137 -- Vocational Training (Seafarers) Recommendation, 1970

(1) Related instruments: Recommendation No. 77 is linked to the Certification of Able Seamen Convention, 1946 (No. 74), and has been superseded by Recommendation No. 137. It is not reproduced in the Office's compilation. Recommendation No. 137 is autonomous.

(2) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommends that Recommendation No. 77 be withdrawn and Recommendation No. 137 maintained.

(3) Need for revision: The Ventejol Working Parties of 1979 and 1987 both classified Recommendation No. 137 as "an instrument to be promoted on a priority basis". This Recommendation is referred to in Article 2(e) of Convention No. 147 listed in the Appendix to Recommendation No. 155. As noted in the context of the examination of the Officers' Competency Certificates Convention, 1936 (No. 53), the International Maritime Organization has adopted the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (amended in 1995 -- IMO STCW), which provides for a modern approach and gives more detailed requirements regarding, inter alia, vocational training. It would therefore seem appropriate to request member States to provide additional information on the possible need to replace Recommendation No. 137.
(4) **Proposals:**

(a) The Working Party might recommend to the Governing Body:

(i) to note the replacement of the Vocational Training (Seafarers) Recommendation, 1946 (No. 77), by the Vocational Training (Seafarers) Recommendation, 1970 (No. 137);
(ii) to invite member States to communicate to the Office any additional information on the possible need to replace the Vocational Training (Seafarers) Recommendation, 1970 (No. 137).

(b) The Working Party (or the LILS Committee) could re-examine the status of Recommendation No. 137 in due course.

**General conditions of employment**

III.7.

**R.27 -- Repatriation (Ships Masters and Apprentices) Recommendation, 1926**

(1) **Related instruments:** Recommendation No. 27 is linked to the Repatriation of Seamen Convention, 1926 (No. 23). The question of the revision of these two instruments was placed on the agenda of the 74th (Maritime) Session (1987) of the Conference and resulted in the adoption of the Repatriation of Seafarers Convention (Revised) (No. 166), and its supplementing Recommendation (No. 174). Consequently, Recommendation No. 27 has been superseded by these two instruments.

(2) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group recommends that Recommendation No. 27 be withdrawn.\(^{60}\)

(3) **Proposal:** The Working Party might recommend that the Governing Body note the replacement of the Repatriation (Ship Master and Apprentices) Recommendation, 1926 (No. 27), by the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), and the Repatriation of Seafarers Recommendation, 1987 (No. 174).

III.8.

**R.49 -- Hours of Work and Manning (Sea) Recommendation, 1936**

**R.109 -- Wages, Hours of Work and Manning (Sea) Recommendation, 1958**

(1) **Related instruments:** Recommendation No. 49 is linked to the Hours of Work and Manning (Sea) Convention, 1936 (No. 57) and Recommendation No. 109 to the Wages, Hours of Work and Manning (Sea) Convention, 1958 (No. 109). Neither of Conventions No. 57 and No. 109 has entered into force,
however, and they have, in turn, both been revised by the recent adoption of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180). Recommendation No. 109 has been superseded by the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187) which supplements Convention No. 180.

(2) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommends that Recommendations Nos. 49 and 109 be withdrawn.

(3) Need for revision: The 1974 in-depth study considered that Recommendation No. 49 had been superseded, de facto, as a result of the adoption of Convention No. 109 and Recommendation No. 109, and the Ventejol Working Parties of 1979 and 1987 both classified Recommendation No. 49 in the category of "other instruments". Recommendation No. 49 is no longer reproduced in the Office's compilation. As noted above, Recommendation No. 109 has been superseded by Recommendation No. 187. Recommendation No. 49 has therefore also, de facto, been superseded by Recommendation No. 187 and is thus obsolete.

(4) Proposals:

(a) The Working Party might recommend that the Governing Body:

(i) note that the Hours of Work and Manning (Sea) Recommendation 1936 (No. 49) is obsolete;
(ii) propose to the Conference the withdrawal of Recommendation No. 49 in due course.


III.9.

R.153. -- Protection of Young Seafarers Recommendation, 1976

(1) Related instruments: This Recommendation is autonomous.

(2) Comments from shipowners' and seafarer's organizations: The Joint Working Group recommends that Recommendation No. 153 be promoted.

(3) Need for revision: The Ventejol Working Parties of 1979 and 1987 both classified this Recommendation as an "instrument to be promoted on a priority basis". Recommendation No. 153, which regulates issues such as hours of permitted duty and rest periods, repatriation, safety in work and health, education opportunities for vocational guidance, and education and vocational training, is the
only ILO instrument regulating conditions of work for young seafarers. This Recommendation seems to be of current interest.


Safety, health and welfare

III.10.

R.78 -- Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crew)
Recommendation, 1946

(1) Related instruments: This Recommendation is linked to the Accommodation of Crews Convention, 1946 (No. 75), which has never entered into force. This Convention has been revised by the Accommodation of Crews Convention (Revised), 1949 (No. 92), which, in turn, has been supplemented by the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133).

(2) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommends that Recommendation No. 78 be revised.

(3) Need for revision: In the 1974 in-depth study this Recommendation was considered of interest. The Ventejol Working Parties of 1979 and 1987 both classified it as an "instrument to be promoted on a priority basis". Following the examination of Convention No. 75 by the Working Party, the Governing Body has decided at its 274th Session that its withdrawal be proposed to the International Labour Conference. Recommendation No. 78 deals with certain specific issues with regard to the provision to crews by shipowners of bedding, mess utensils and other articles which were not regulated in Convention No. 75 nor in the revising Convention No. 92 supplemented by Convention No. 133. Following examination of Convention No. 92 the Governing Body decided to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay its ratification and that its status be re-examined in due course, including its need for revision. With respect to Convention No. 133, the Governing Body has decided to maintain the status quo. As noted in the context of the examination of Conventions Nos. 92 and 133, the shipping sector has undergone a profound technical development. The effect this development has had on instruments such as the present Recommendation No. 78 would seem to require further examination. The Working Party may therefore wish to request additional information regarding the possible need to replace Recommendation No. 78. This Recommendation could be re-examined in the light of this information as well as the information received in the context of the request related to Convention No. 92.

(4) Proposals:

(a) The Working Party might recommend the Governing Body to invite member States to
communicate to the Office any additional information on the possible need to replace the Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78).

(b) The Working Party (or the LILS Committee) could re-examine the status of Recommendation No. 78 in due course.

III.11.

R.140 -- Crew Accommodation (Air Conditioning) Recommendation, 1970
R.141 -- Crew Accommodation (Noise Control) Recommendation, 1970

(1) Related instruments: Both these Recommendations are linked to the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), which supplements the Accommodation of Crews Convention (Revised), 1949 (No. 92).

(2) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommends that Recommendations Nos. 140 and 141 be maintained.

(3) Need for revision: In the 1974 in-depth study these Recommendations were considered of interest, and the Ventejol Working Parties of 1979 and 1987 both classified them as "instruments to be promoted on a priority basis". It should be noted that in the context of the IMO a Code on noise levels on board ships, which also applies to crew accommodation, was adopted in 1981 and is also of relevance in this area. Following the examination of Convention No. 133 it was decided to maintain the status quo with respect to this Convention. The Working Party may wish to propose the same course of action as regards Recommendations Nos. 140 and 141.


III.12.

R.105 -- Ships' Medicine Chest Recommendation, 1958
R.106 -- Medical Advice at Sea Recommendation, 1958

(1) Related instruments: These Recommendations are autonomous.

(2) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommends to "shelve" Recommendations Nos. 105 and 106.
(3) Need for revision: In the 1974 in-depth study, both Recommendations were considered of interest. The Ventejol Working Party of 1979 classified them both in the category of "instruments to be promoted on a priority basis" and in the category of "instruments to be revised". As the question of "Health protection and medical care for seafarers" was on the agenda of the 74th (Maritime) Session (1987) of the International Labour Conference, the Working Party in 1987 classified these Recommendations as "instruments to be revised". The 74th (Maritime) Session of the Conference did, in fact, result in the adoption of the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164). Recommendations Nos. 105 and 106 have, de facto, been superseded by Convention No. 164 and can therefore be regarded as obsolete.

(4) Proposals:

The Working Party might recommend that the Governing Body:

(a) note that the Ships' Medicine Chest Recommendation, 1958 (No. 105), and the Medical Advice at Sea Recommendation, 1958 (No. 106), are obsolete;

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

III.13.

R.142 -- Prevention of Accidents (Seafarers) Recommendation, 1970

(1) Related instruments: This Recommendation is linked to the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134).

(2) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommends that Recommendation No. 142 be revised.

(3) Need for revision: The Ventejol Working Parties of 1979 and 1987 both classified this Recommendation in the category of "instruments to be promoted on a priority basis". In the context of the examination of Convention No. 134, the possible relevance of the IMO's International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978 (STCW Convention) in the context of accident prevention was noted. Against this background it was decided to request additional information on the obstacles and difficulties that might prevent or delay the ratification of Convention No. 134 or that might point to the need for its full or partial revision. The Working Party might therefore wish to obtain additional information on the possible need to replace Recommendation No. 142.

(4) Proposals:

(a) The Working Party might recommend that the Governing Body invite member States to
communicate to the Office any additional information on the possible need to replace the Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142).

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

III.14.

**R.48 -- Seamen's Welfare in Ports Recommendation, 1936**  
**R.138 -- Seafarers' Welfare Recommendation, 1970**

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

(2) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group recommends that Recommendations Nos. 48 and 138 be "shelved" and "abrogated". (74)

(3) **Need for revision:** It was noted in the 1974 in-depth study that Recommendations Nos. 48 and 138 were still of interest. (75) The Ventejol Working Party of 1979 classified these Recommendations as "instruments to be promoted on a priority basis". Seafarers' welfare was on the agenda of the 74th (Maritime) Session (1987) of the International Labour Conference, and the Working Party in 1987 therefore classified them as "instruments to be revised". Two new instruments on seafarers' welfare were adopted in 1987: the Seafarers' Welfare Convention (No. 163) and Recommendation (No. 173). Consequently, Recommendations Nos. 48 and 138 have de facto been superseded by these new instruments. The Working Party may wish to consider that these Recommendations are obsolete and should be withdrawn.

(4) **Proposals:**

The Working Party might recommend to the Governing Body:

(a) to note that the Seamen's Welfare in Ports Recommendation, 1936 (No. 48), and Seafarers' Welfare Recommendation, 1970 (No. 138), are obsolete;

(b) to propose to the Conference the withdrawal of Recommendations Nos. 48 and 138 in due course.

**Labour inspection**

III.15.

**R.28 -- Labour Inspection (Seamen) Recommendation, 1926**
(1) **Related instruments:** This Recommendation is autonomous. The question of the revision of this instrument was on the agenda of the 84th (Maritime) Session (1996) of the Conference which resulted in the adoption of the Labour Inspection (Seafarers) Convention, (No. 178), and its supplementing Recommendation (No. 185). Consequently, this Recommendation has been superseded by the instruments adopted in 1996.

(2) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group recommends that Recommendation No. 28 be "shelved" and abrogated.

(3) **Proposal:** The Working Party might recommend that the Governing Body note the replacement of the Labour Inspection (Seamen) Recommendation, 1926 (No. 28), by the Labour Inspection (Seafarers) Convention, 1996 (No. 178), and the Labour Inspection Seafarers Recommendation, 1996 (No. 185).

**Inland navigation**

**III.16.**

**R.8 -- Hours of Work (Inland Navigation) Recommendation, 1920**

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

(2) **Need for revision:** The 1974 in-depth study considered that Recommendation No. 8 was largely, de facto, superseded by the provisions in the Reduction of Hours of Work Recommendation, 1962 (No. 116). However, Part II of Recommendation No. 8, which recommends the conclusion of agreements by States riparian to international waterways, was considered to retain its importance. The Ventejol Working Parties of 1979 and 1987 both classified this Recommendation in the category of "other instruments". As the Office has no further information regarding its current status, it is proposed to request information on the possible need to replace this Recommendation.

(3) **Proposals:**

(a) The Working Party might recommend to the Governing Body to invite member States to communicate to the Office any additional information on the possible need to replace the Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8).

(b) The Working Party (or the LILS Committee) could re-examine the status of Recommendation No. 8 in due course.

* * *

**IV. Final remarks**

9. 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.


Point for decision: Paragraph 9.

Appendix I

Synopsis of Recommendations examined

<table>
<thead>
<tr>
<th>Title of Recommendation</th>
<th>Recommendations not reproduced in the Office's compilation (NR)</th>
<th>Nature of the Recommendation (autonomous or linked to a Convention, in which case only the title of the Convention is given)</th>
<th>Decision of the Governing Body on the Convention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collective Agreements Recommendation, 1951 (No. 91)</td>
<td></td>
<td>Autonomous</td>
<td></td>
</tr>
<tr>
<td>Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)</td>
<td></td>
<td>Autonomous</td>
<td></td>
</tr>
<tr>
<td>Examination of Grievances Recommendation, 1967 (No. 130)</td>
<td></td>
<td>Autonomous</td>
<td></td>
</tr>
</tbody>
</table>
Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94) — Autonomous

Communications within the Undertaking Recommendation, 1967 (No. 129) — Autonomous

Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113) — Autonomous


Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30) — Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

Minimum Wage-Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89) — Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)

The Governing Body has decided to invite the member States to examine the possibility of ratifying Convention No. 154 and to inform the Office of any obstacles and difficulties encountered that could impede or delay its ratification.

The Governing Body has decided to maintain the status quo with regard to Convention No. 26.

The Governing Body has decided to maintain the status quo with regard to Convention No. 99.
Minimum Wage Fixing Recommendation, 1970 (No. 135)

Minimum Wage Fixing Convention, 1970 (No. 131)

The Governing Body has decided to invite the member States to examine the possibility of ratifying Convention No. 131 and to inform the Office of any obstacles and difficulties encountered that could impede or delay its ratification.

Protection of Wages Recommendation, 1949 (No. 85)

Protection of Wages Convention, 1949 (No. 95)

The Governing Body has decided to invite the member States to examine the possibility of ratifying the Protection of Wages Convention, 1949 (No. 95) and to draw their attention to the Protection of Workers’ Claims (Employer’s Insolvency) Convention, 1992 (No. 173), which revises Article 11 of Convention No. 95.

Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84)

Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

The Governing Body has decided to invite the member States to examine the possibility of ratifying Convention No. 94.
The Governing Body has decided to invite the member States to submit reports under article 19 of the Constitution on Convention No. 30 and to request the Committee of Experts to undertake a General Survey on the matter.

Control Books (Road Transport) Recommendation, 1939 (No. 63)
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>(NR)</th>
<th>Convention</th>
<th>(No. 67)</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Night Work (Road Transport) Recommendation, 1939 (No. 64)</td>
<td>Hours of Work and Rest Periods (Road Transport) Convention, 1939</td>
<td>The Governing Body has decided to shelve Convention No. 67 with immediate effect</td>
<td>1939</td>
<td></td>
</tr>
<tr>
<td>Methods of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65)</td>
<td>Hours of Work and Rest Periods (Road Transport) Convention, 1939</td>
<td>The Governing Body has decided to shelve Convention No. 67 with immediate effect</td>
<td>1939</td>
<td></td>
</tr>
<tr>
<td>Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66)</td>
<td>Hours of Work and Rest Periods (Road Transport) Convention, 1939</td>
<td>The Governing Body has decided to shelve Convention No. 67 with immediate effect</td>
<td>1939</td>
<td></td>
</tr>
<tr>
<td>Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161)</td>
<td>Hours of Work and Rest Periods (Road Transport) Convention, 1979</td>
<td>The Governing Body has decided to revise the Hours of Work and Rest Periods (Road Transport)</td>
<td>1979</td>
<td>Conference agenda</td>
</tr>
<tr>
<td>Reduction of Hours of Work Recommendation, 1962 (No. 116)</td>
<td>Autonomous</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155)</td>
<td>Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)</td>
<td>The Governing Body has decided to invite the member States to examine the possibility of</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>ratifying the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and the</td>
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<td></td>
<td></td>
<td>associated Protocol</td>
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</tbody>
</table>
of 1996, and that the Working Party (or the LILS Committee) should in due course re-examine the list of Conventions given in the Appendix to the Convention in the light of developments in the sector and the adoption of new instruments.

National Seamen's Codes Recommendation, 1920 (No. 9) Autonomous

Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107) Autonomous

Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108) Autonomous

Employment of Seafarers (Technical Developments) Recommendation, 1970 (No. 139) Autonomous
The Governing Body has decided to invite the member States to examine the possibility of ratifying Convention No. 145 and to inform the Office of any obstacles and difficulties encountered that could impede or delay its ratification.

The Governing Body has decided to invite the member States to inform the Office of any obstacles and difficulties that could impede or delay ratification of Convention No. 74, or that might indicate a need for full or partial revision of the Convention.

The Governing Body has decided to invite the States party to Convention No. 23 to examine the possibility of ratifying the Repatriation of Seafarers Convention (Revised), 1987 (No. 166) and to denounce Convention No. 23.
The Governing Body has decided to invite the States party to Convention No. 57 to examine the possibility of ratifying the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180) and to propose to the Conference the withdrawal of Convention No. 57 in due course.

The Governing Body has decided to invite the States party to the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109) to examine the possibility of ratifying the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).

Protection of Young Seafarers Recommendation, 1976 (No. 153)

Autonomous
The Governing Body has decided to invite the States party to the Accommodation of Crews Convention, 1946 (No. 75) to examine the possibility of ratifying the Accommodation of Crews Convention (Revised), 1949 (No. 92) and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), and to propose to the Conference the withdrawal of Convention No. 75 in due course.

The Governing Body has decided to maintain the status quo with regard to the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133).
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ships' Medicine Chests Recommendation, 1958 (No. 105)</td>
<td>Autonomous</td>
</tr>
<tr>
<td>Medical Advice at Sea Recommendation, 1958 (No. 106)</td>
<td>Autonomous</td>
</tr>
<tr>
<td>Seamen's Welfare in Ports Recommendation, 1936 (No. 48)</td>
<td>Autonomous</td>
</tr>
<tr>
<td>Seafarers' Welfare Recommendation, 1970 (No. 138)</td>
<td>Autonomous</td>
</tr>
<tr>
<td>Labour Inspection (Seamen) Recommendation, 1926 (No. 28)</td>
<td>Autonomous</td>
</tr>
<tr>
<td>Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8)</td>
<td>Autonomous</td>
</tr>
</tbody>
</table>

The Governing Body has decided to invite the member States to inform the Office of any obstacles and difficulties encountered that could impede or delay ratification of Convention No. 134, or that might indicate a need for total or partial revision of the Convention.
# Appendix II

## Instruments listed in the Appendix to the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155)

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Included in Appendix to C. 147</th>
<th>Included in Part A of the 1996 Protocol to C.147</th>
<th>Included in Part B of the 1996 Protocol to C.147</th>
<th>Relevant decision or proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers' Competency Certificates Convention, 1936 (No. 53)</td>
<td></td>
<td>X</td>
<td></td>
<td>The Governing Body has decided on the maintenance of the status quo with regard to Convention No. 53.</td>
</tr>
<tr>
<td>Food and Catering (Ships' Crews) Convention, 1946 (No. 68)</td>
<td></td>
<td></td>
<td>X</td>
<td>The Governing Body has decided to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of Convention No. 68, or that might point to the need for its full or partial revision.</td>
</tr>
<tr>
<td>Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)</td>
<td></td>
<td></td>
<td>X</td>
<td>The Governing Body has decided on the maintenance of the status quo with respect to Convention No. 133.</td>
</tr>
</tbody>
</table>
The Governing Body has decided to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of Convention No. 134, or that might point to the need for its full or partial revision.

Workers' Representatives Convention, 1971 (No. 135)

The Governing Body has decided to invite member States to contemplate ratifying Convention No. 135 and to inform the Office of any obstacles and difficulties encountered that might prevent or delay ratification of the Convention.

Paid Vacations (Seafarers) Convention, 1970 (No. 134)

Seafarers' Annual Leave Convention, 1976 (No. 146)

The Governing Body has decided to invite States parties to Convention 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, and that Convention No. 91 be shelved with immediate effect.
The Governing Body has decided to invite member States to contemplate ratifying Convention 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.

The Governing Body has decided to 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; and 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.

The Office proposes that the Working Party might recommend to the Governing Body to invite member States to communicate to the Office any additional information on the possible need to replace Recommendation No. 137.

(Section III.8, above)
1. GB.273/8/2. As regards the methodology used for the examination of Recommendations applicable to seafarers, see para. 6 below.

2. GB.272/10/2.

3. GB.274/LILS/WP/PRS/3.

4. Examination of these seven Recommendations was deferred at the Working Party's previous session owing to lack of time.

5. As indicated in GB.274/LILS/WP/PRS/3 (para. 6), a Recommendation is considered to be linked to a Convention for the purposes of this analysis if it was adopted jointly with a Convention concerning the same subject; it could also be said to accompany the Convention in question -- in certain cases, the Preamble of the Recommendation states that it supplements the Convention. Beyond this specific link, a Recommendation -- whether linked or autonomous -- may be related in some way to other instruments (Conventions or Recommendations) which will also be cited among the related instruments when each Recommendation is examined.


7. Recommendations Nos. 37, 38, 39, 48, 49, 63, 64, 65, 66, 105, 106 and 138.


10. Recommendations Nos. 8, 78, 92, 94, 129, 130, 137, 139 and 142.


12. GB.194/PFA/12/5, Appendix I, p. 59.

14. GB.194/PFA/12/5, Appendix I, p. 59.

15. GB.276/2, paras. 213-225.

16. GB.274/3, para. 183.

17. GB.194/PFA/12/5, Appendix I, p. 59.

18. GB.276/2, paras. 237-240.

19. GB.194/PFA/12/5, Appendix I, p. 59.


22. GB.268/8/2.

23. GB.194/PFA/12/5, Appendix I, p. 61.

24. GB.267/LILS/WP/PRS/2 and GB.268/LILS/WP/PRS/1.

25. GB.268/LILS/WP/PRS/1.

26. GB.268/8/2.

27. GB.194/PFA/12/5, Appendix I, p. 60.


29. GB.268/8/2.

30. GB.194/PFA/12/5, Appendix I, p. 61.


32. GB.271/11/2.
33. GB.194/PFA/12/5, Appendix I, p. 60.

34. GB.267/LILS/WP/PRS/2, GB.270/LILS/WP/PRS/1/2, GB.271/LILS/WP/PRS/2 and GB.273/LILS/WP/PRS/2.

35. GB.273/8/2.

36. GB.194/PFA/12/5, Appendix I, p. 62.

37. GB.194/PFA/12/5, Appendix I, p. 61.

38. GB.265/LILS/WP/PRS/1.

39. GB.265/8/2.

40. GB.271/11/2.


42. GB.194/PFA/12/5, Appendix I, p. 61.


44. GB.258/ESP/6/6, p. 35.

45. In March 1999 the Governing Body decided to invite the Joint Maritime Commission to undertake a case-by-case examination of the instruments concerning social security for seafarers. The Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10), the Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75), and the Seafarers (Medical Care for Dependants) Recommendation, 1946 (No. 76), will therefore be examined by the Working Party at a later stage. The Governing Body has already invited the Tripartite Meeting on Safety and Health in the Fishing Industry to be held on 13-17 Dec. 1999 to examine the instruments concerning fishermen. The Working Party will therefore examine the Hours of Work (Fishing) Recommendation, 1920 (No. 7), and the Vocational Training (Fishermen) Recommendation, 1966 (No. 126), at a later stage. See GB.274/LILS/4, paras 73 and 74 respectively.

46. The JMC is composed of 42 members. Two members are appointed by the Governing Body of the ILO, representing respectively the Employers' group and the Workers' group of the Governing Body.
The other 40 members are nominated by the International Labour Conference at a session dealing with maritime questions (the last was held in 1996), 20 of whom are selected by the Shipowners' delegates and 20 by the Seafarers' delegates to the Conference. The Chairperson of the Governing Body is ex officio Chairperson of the Commission. The JMC advises the Governing Body on issues related to seafarers' working and living conditions suitable for standard setting.

47. See GB.273/LILS/WP/PRS/4, paras. 2-4.

48. For the full text, see Annex I to GB.273/LILS/WP/PRS/4.

49. See, GB.274/LILS/WP/PRS/2, pp. 9-11 and GB.274/10/2.

50. GB. 194/PFA/12/5, Appendix I, p. 74.

51. Although these two Recommendations regulate different issues, they are examined together in view of their close relationship in other respects.

52. Recommendation No. 155 is examined above.

53. Convention No. 147 and Recommendation No. 155 both provide that they do not apply to (a) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines; (b) ships engaged in fishing or whaling or in similar pursuits; (c) small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation [...] (Article 1(4)).

54. This Convention was examined by the Working Party in November 1998. It decided to recommend to the Governing Body that it invite member States to contemplate ratifying Convention No. 145, and to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification. See GB.273/LILS/WP/PRS/4, p. 8 and GB.273/8/2.

55. Recommendation No. 154 is examined below.

56. Convention No. 179 will enter into force on 22 Apr. 2000.

57. GB.273/8/2.

58. See Recommendation No. 137, Paragraph 28.

59. GB.274/LILS/WP/PRS/2, pp. 20-22.

60. They also recommend that the Repatriation of Seafarers Recommendation, 1987 (No. 174) be promoted.
61. This Convention has not yet entered into force. The Governing Body decided in March 1999 to invite the States parties to Convention No. 57 to contemplate ratifying Convention No. 180, and to propose the withdrawal of the former to the Conference in due course.


63. They also proposed that the Seafarers' Hours of Work and Manning of Ships Convention, 1996 (No. 180) and the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187) be promoted.

64. In addition to the Hours of Work and Manning (Sea) Convention, 1936 (No. 57), the Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76) and the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93).

65. GB.194/PFA/12/5, Appendix I, p. 75.

66. GB.194/PFA/12/5, Appendix I, p. 76.

67. GB.274/LILS/WP/PRS/2, pp. 37-38, and GB.274/10/2.

68. GB.274/10/2.

69. ibid.

70. GB.194/PFA/12/5, Appendix I, p. 76.


72. GB.274/LILS/WP/PRS/2, pp. 25-26, and GB.274/10/2.

73. GB.194/PFA/12/5, Appendix I, p. 76.

74. The intention by the Joint Working Group is probably that Recommendations Nos. 48 and 138 be withdrawn. They have also recommended that the Seafarers' Welfare Convention, 1987 (No. 163), and the Seafarers Welfare Recommendation, 1987 (No. 173), be promoted. The two latter instruments will not be examined by the Working Party as they were adopted after 1985.

75. GB.194/PFA/12/5, Appendix I, p. 76.
76. GB.194/PFA/12/5, Appendix I, p. 62.


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