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OFFICIAL BULLETIN

SPECIAL ISSUE

Vol. LXX

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Series A

Report of the Working Party
on International Labour Standards

1. Among the various measures adopted by the Governing Body to follow up the discussion on international labour standards at the International Labour Conference in 1984, it decided at its 228th (November 1984) Session¹ to establish a Working Party with the following terms of reference:

- (a) to review the classification of existing Conventions and Recommendations and possible subjects for new standards approved by the Governing Body in 1979 and to submit a revised classification to the Governing Body for approval;
- (b) to consider and make recommendations to the Governing Body concerning future policy regarding the adoption of standards, including the pace of standard-setting, the relative priorities to be given to the revision and consolidation of existing standards and to the formulation of standards on new topics, and priorities in dealing with the subjects listed in the revised classification for the possible adoption of new or revised standards;

¹ Documents GB.228/4/2, paras. 10, 11 and 20, and GB.228/PV, p. x/5.

- (c) to consider and make recommendations concerning subjects, among those suggested for the adoption of new or revised standards, which might be dealt with under the single-discussion procedure, preceded by a technical meeting;
- (d) to make recommendations to the Governing Body on any other aspects of the standard-setting work of the ILO which, in the view of the Working Party, it would be desirable to refer to it for consideration.

2. The Working Party, composed of 20 Government members, 10 Employer members and 10 Worker members, elected Mr. G. Ventejol as Chairman for the duration of its work.

3. At the 229th (February-March 1985) Session of the Governing Body, the Government member of the Ukrainian SSR stated, following the decisions taken concerning the terms of reference and composition of the Working Party, that since the Governing Body had not taken account of a number of proposals on these matters made by the governments of the socialist countries of Eastern Europe, these countries would take no part in the work of the Working Party. At the 230th session of the Governing Body, during which the Working Party held its first meeting, the Chairman had several discussions with the Co-ordinator of the Eastern European Governments. However, it did not prove possible to obtain any change in their position concerning their participation in the work. The Working Party regretted the absence of representatives of these countries.

4. At the 231st and 232nd Sessions of the Governing Body (November 1985 and February-March 1986), the Working Party, pursuant to points (a) and (b) of its terms of reference, undertook a re-examination of the 1979 classification with a view to its revision, and discussed the general policy of the ILO in regard to standard-setting activities. At the end of this phase of its work, the Working Party presented a "Progress Report on International Labour Standards"¹ to the Governing Body in March 1986. The Progress Report contained a draft of the revised classification, and a summary of the discussions which had taken place on general policy; an Office note concerning the possibilities of consolidating ILO instruments was also appended. Pursuant to a decision taken by the Governing Body, the Progress Report was sent in April 1986 for observations to governments and to representative organisations of employers and workers of all member States, as well as to international employers' and workers' organisations which have consultative status with the ILO. At the 234th session of the Governing Body, the Working Party, on the basis of an analysis by the Office of the replies received,² reconsidered the draft revised classification and continued its discussions on the questions within its terms of reference.

¹ Document GB.232/14/21.

² Document GB.234/WP/ILS/1.

5. The present document constitutes the final report of the Working Party to the Governing Body. It contains the following four appendices:

- I. General policy regarding ILO standard-setting activity: summary of the discussions in the Working Party and of the observations received from governments and employers' and workers' organisations.
- II. Revised classification of existing international labour Conventions and Recommendations and possible subjects for new standards.
- III. Commentary on the revised classification.
- IV. Possibilities of consolidating ILO instruments and practical measures designed to facilitate understanding and use of ILO standards: Office note, and a summary of the discussions in the Working Party and of the observations received from governments and employers' and workers' organisations.

6. The deliberations of the Working Party and the replies received from governments and from occupational organisations have shown a convergence of views on the value and principles of the standard-setting work, which had already been evident during the discussion of the Director-General's Report at the 70th Session of the Conference (June 1984). The importance which standard-setting activities retain as a means of promoting balanced development, in justice and freedom, and as a source of inspiration for social policies, was confirmed. At the same time, the necessity of realism and effectiveness was again stressed. There was agreement that international labour standards should continue to be drawn up on a universal basis, and that they should be conceived so as to respond to the needs of all member States. As the Constitution provides, they should be framed with due regard to differences in the levels and conditions of development. This requires in the first place a systematic and methodical examination of the various flexibility devices which, depending on the subject-matter covered, should be incorporated in Conventions. Such devices should be aimed at enabling the greatest number of States progressively to ensure the intended protection. The principle of universality necessarily implies also the effective participation, on an equal footing, of the greatest number of member States in the process of selecting and preparing international labour standards. Furthermore, to maintain its thrust, the body of ILO standards should be capable of adaptation, in an appropriate manner and time, to perceived or emerging changes affecting working life.

7. The Working Party noted that the very concept of flexibility was ill-defined and was open to different interpretations, and that the resulting uncertainty might to some extent account for the limited recourse to the flexibility clauses included in certain Conventions. It was unanimous in its view that there was no scope for flexibility

in Conventions on fundamental human rights and basic freedoms. It noted that the Office had undertaken a study of flexibility devices, which would shortly be completed. In addition, it recognised the need to provide assistance, particularly through the regional advisers on standards, with a view to drawing the attention of governments to areas where flexibility might be relied upon.

8. The Working Party considers it useful to recall already here that existing flexibility devices include, in particular, the possibility of accepting only some parts of a Convention; the possibility of excluding certain sectors of activity, categories of workers or areas of the country from its scope: "escalator" clauses allowing for implementation by stages; the adoption of Conventions laying down only basic principles; and the possibility of accepting alternative obligations.

9. Although a consensus exists on the general principles mentioned above, a diversity of views found expression - as shown in Appendix I to this report - concerning the methods of ILO standard-setting, for example, in regard to the pace of standard-setting in the years ahead, the attention which should be given respectively to the adoption of new standards and to the revision of existing standards, the abrogation of out-of-date standards, the form of instrument best designed to ensure maximum impact for the standards adopted, and the optimum degree of flexibility.

10. In these circumstances, the Working Party felt that it would be preferable not to propose to the Governing Body to adopt specific conclusions on the general policy to be followed in the years to come. The Working Party invites the Governing Body to take into account the various points of view expressed, as reflected in Appendix I of this report, in future discussions and decisions concerning the preparation of ILO standards.

11. The terms of reference of the Working Party, as set out in paragraph 1(b) above, included the question of possible priorities in the adoption of new or revised standards. Specific proposals on this matter were submitted to the Working Party by the ICFTU and by national workers' organisations, in the form of a list of priority subjects. However, the Working Party considered that the Governing Body should remain free to take decisions on the subjects to be included in the Conference agenda in the light of changing circumstances, and that it would accordingly be preferable not to establish any order of priority at this stage. The specific proposals made in this connection are thus merely of indicative value.

12. Several governments considered that it would be useful to take certain criteria into account in reaching decisions concerning the agenda of the Conference. They referred, in particular, to the following criteria, which should be specifically incorporated into the formats of future law and practice reports prepared for the Governing Body, and which should be considered not in isolation but in

conjunction with one another: (i) the number of workers affected; (ii) the importance of the subject for all parts of the world; (iii) the importance of the subject for workers at lower economic levels, as well as for unorganised and unprotected workers; (iv) the relative recency of existing instruments on the subjects proposed; (v) the degree of severity of the problem; (vi) the extent to which the topic would advance the basic rights of workers. It was also stressed that the scope of new instruments should cover as many activities as possible, and that standards relating to a particular sector or occupational category should be envisaged only in special cases. The Working Party felt that these considerations, without being exhaustive, could provide useful guidance to the Governing Body in reaching decisions.

13. The Working Party recommends to the Governing Body that it approve the revised classification of existing instruments and possible subjects for new standards, set out in Appendix II to this report.

14. In presenting this classification, the Working Party would like to emphasise its indicative and temporal nature. The Employer members wish to place on record their reservations concerning a number of items listed as possible subjects for new standards. The Working Party points out that the proposed classification, like that established in 1979, is not intended to lay down a fixed or rigid programme for the activities to be undertaken in the field of international labour standards. It aims, in the first place, to identify the instruments whose ratification and application should be promoted on a priority basis. It is also intended to provide guidance to the Director-General regarding programme proposals for research or studies aimed at preparing the ground for possible new or revised standards and in making proposals to the Governing Body for the Conference agenda. It may also provide general orientation for future consideration of Conference agendas by the Governing Body. Finally, the proposed classification, although prepared on the basis of a thorough process of consultation, examination and reflection, represents conclusions adopted at a given point in time, and it should not be considered as definitive. In a context of far-reaching and rapid technical and social changes, the Organisation must be ready to respond promptly to those changes and to new problems affecting the world of work. It will no doubt be considered necessary to revise the classification at regular intervals. The Governing Body might even consider undertaking such a review by stages, during the coming years, by groups of instruments.

15. The Working Party also draws attention to the suggestions included in Appendices I and IV of its report concerning a range of practical measures aimed at promoting a better understanding of ILO standards and at facilitating their use. The Working Party recommends to the Governing Body that it invite the Director-General to take all appropriate measures towards this end, within available resources.

16. Finally, the Working Party considered that its report should be brought to the attention of regional meetings. It has noted that at the 234th (November 1986) Session, the Governing Body already decided, on the recommendation of its Committee on Standing Orders and the Application of Conventions and Recommendations, "to include in the reports prepared for such meetings a section drawing attention to the subjects for new and revised standards in the classification adopted by the Governing Body, and inviting the regional meeting to provide indications as to the subjects to which it attached priority, for the guidance of the Governing Body".¹

Geneva, 23 February 1987.

(Signed) Gabriel Ventejol,
Chairman.

¹ GB.234/13/24, para. 5.

DECISIONS OF THE GOVERNING BODY

On the basis of the recommendations made by the Working Party on International Labour Standards in the foregoing report, the Governing Body at its 235th Session (March 1987):¹

- (a) decided to take into account the various points of view expressed, as reflected in Appendix I of the Working Party's report, in future discussions and decisions concerning the preparation of ILO standards;
- (b) approved the revised classification of existing instruments and noted possible subjects for new standards, as set out in Appendix II to the Working Party's report;
- (c) noted the suggestions included in Appendices I and IV of the Working Party's report concerning a range of practical measures aimed at promoting a better understanding of ILO standards and at facilitating their use, and invited the Director-General to take all appropriate measures towards that end, within available resources.

¹ For a record of the Governing Body's discussion of the Working Party's report see the minutes of the sixth, seventh and eighth sittings of the 235th Session (document GB.235/PV (Rev.)).

APPENDIX I

GENERAL POLICY REGARDING ILO STANDARD-SETTING ACTIVITY

Summary of the discussions in the Working Party and of the observations received from governments and from employers' and workers' organisations

I. Discussions in the Working Party

1. The Employer members observed that traditionally labour standards had been seen as a means of improving the lot of workers by enforcing minimum standards on employers. International labour standards had been primarily aimed at influencing domestic legislation and regulatory codes. They had undoubtedly helped improve working conditions for those in paid employment in most countries, although in varying degree. However, the present situation was widely felt to be unsatisfactory. There was broad agreement on the need to reform the whole process of standard setting, but much less agreement on the nature of the necessary reforms. The Employer members wished to set out their standpoint on this matter.

2. The Employer members observed that the traditional view of labour standards was based on the belief that working conditions could be improved by (minimum) labour standards and that this was the best available way of doing so. They considered that the first of these premises was at least partly true, but that the second was arguable. Labour standards which were enforceable and enforced were effective, but some standards or parts of them were simply not enforceable, and some countries lacked the will or means to enforce standards, whether they formally subscribed to them or not. Even where standards were enforceable and enforced, their effect was limited to workplaces covered by them. Furthermore, if a standard had the effect of closing down an enterprise or part thereof because it was no longer economically viable, it was not apparent that the standard had benefited the workers formerly employed there. Likewise, standards might inhibit employment growth elsewhere in the economy. These arguments did not invalidate standard setting as a means of improving working conditions, but pointed to limitations in practice as well as in principle. Standards were likely to be most effective when they gave a lead which most employers in most countries could follow within a reasonably short time without adverse economic consequences for enterprises, their workers and the community at large.

3. The Employer members pointed to the profound changes in patterns of work which were taking place in response to technological, social and demographic changes. Furthermore, the relative position of employers and workers today was very different from that in 1919, at least in the industrialised sectors of most countries. These developments called for a new approach to labour standards.

4. The Employer members stated that, in addition to being economically viable, international labour standards must also be universally applicable, taking into account countries of widely ranging size, economic circumstances and cultural background. This could be done by ensuring that standards were broad in scope, not too detailed and not too much in advance of practice in most countries, and by incorporating flexibility in the standards. "Minimalist" Conventions supplemented by more comprehensive Recommendations would be one way of making standards more globally applicable. However, in respect of standards dealing with fundamental human freedoms, there was no room for compromise. There was no place in an organisation based on these freedoms for countries which were unable or unwilling, for whatever reason, to allow individual freedom of association or the existence of free workers' and employers' organisations.

5. The Employer members submitted statistics analysing the extent to which Conventions in various fields had been ratified.¹ They observed that many Conventions had not been widely ratified. This cast doubt on the motivation of countries voting for the adoption of standards when ratification and effective observance were remote. It would be instructive to have an up to date comparison of the voting pattern of governments on the adoption of Conventions and their subsequent ratification or otherwise (Forbes-Watson tables) at, say, five-yearly intervals.

6. More specifically, the Employer members pointed out that, of the 87 Conventions now proposed as "priority" instruments, 61 were of interest to all States Members; among these, only 11 had been ratified, as at 1 January 1986, by more than half the member States. They urged that a systematic examination be made of the other 76 Conventions in this category, at least 50 of which concern all member States, in order to see how they could be revised. This work should be undertaken before embarking on the adoption of new standards.

7. The Employer members observed that, in addition to their direct consequences for employment, labour standards also had important consequences for international trade and investments. Both these aspects should be taken into account in revising existing standards and establishing new ones. A considerable number of standards were now outdated, irrelevant or inappropriate. The credibility of standards in general would be enhanced by a critical analysis of existing standards, to identify those which should be eliminated (in whole or in part), consolidated, simplified or otherwise modified to meet present circumstances. Revision of standards or their elimination was just as important as the

¹ Detailed statistical tables were supplied on the ratification of Conventions classified in the category of priority instruments. The statistics were broken down according to the number of ratifications of these Conventions, the year of their adoption, the regions to which the ratifying States belong, and the subjects covered.

elaboration of new standards - probably more so - given the few ratifications of many existing standards. The Working Party should more particularly consider:

- (a) the undesirability of having Conventions that were ratified by only very few countries because this detracted from the moral pressure to ratify Conventions generally;
- (b) the use of Recommendations, as instruments in their own right rather than merely appendages to Conventions;
- (c) the merits of "promotional" Conventions;
- (d) the role of ILO technical assistance in the implementation of labour standards;
- (e) the need to re-examine final clauses of Conventions, e.g. the desirability of reducing the denunciation period to, say, five years and of increasing the number of ratifications needed to bring Conventions into force;
- (f) the need for new thinking on standards relating to occupational health and safety and to rural work, beginning with broad, simple instruments which could be universally applicable;
- (g) the desirability of the Governing Body giving a stronger lead to the Conference on the form, scope and content of proposed new instruments or revisions.

8. The Worker members observed that ILO standards must constitute a basis for the social action of member States. Their value could not be measured merely in terms of the number of ratifications. They should set goals to attain in the future and point the direction in which social progress should move. There was little point in setting standards at a low level merely to enable States to ratify them; in that case the system would lack dynamism. One should not underestimate the number of ratifications being received. In the four months between June and October 1985, there had been 45 ratifications, bringing the total to 5,245. When analysing ratification trends, one should bear in mind that for many small countries which had joined the ILO in more recent times ratification might prove difficult. Economic difficulties were not the consequences of labour standards; one had to establish the proper balance. Employers generally apprehend that particular developments would entail excessive economic costs. Experience showed that economic and social development were intimately related and that there could be no economic progress without social progress.

9. The Worker members did not feel that there should be any slowing down in the pace of standard setting. They recalled the large number of items identified in the 1979 classification as possible subjects for new or revised standards. Reduction of standard setting to one item per year would be a form of capitulation. Since 1979 only

four new subjects had been taken up for standard setting by the Conference, while in 11 cases earlier instruments had been revised or supplemented. Those who complained about difficulties of participating in the standard setting process might give more attention to participation in the work of technical committees, as compared, for example, with the Resolutions Committee.

10. The Worker members questioned the argument that a choice had to be made between social progress and more employment. Employment without social progress was an illusion. Social progress could be a factor in creating more employment. They also questioned the suggestion that the situation today was markedly different from that in 1919. The problems which had then to be faced were no less difficult than those of today. They expressed their concern at the systematic attacks upon the ILO's standard-setting system in the name of deregulation and flexibility. It was false to link the value of a Convention to the number of ratifications. ILO instruments were adopted through a specific procedure involving full consultations of governments and employers' and workers' organisations. This resulted in realistic standards, worked out by all member States, and the objectives of which were set by common agreement. The number of ratifications was a secondary matter.

11. The Government member of India considered that the existing body of Conventions and Recommendations constituted an impressive achievement. They covered all important areas of concern to labour. The ratification score was 20-25 per cent of the total expected. This situation required closer study. There was perhaps a need for considering the pace of standard setting during the next ten years. As a rule, only one subject might be chosen every year for standard setting. The double-discussion procedure should be maintained, but the period of discussion might be spread over three years, leaving a year between the first and second discussion to allow for regional consultation. There should in fact be greater regional consultation in the formulation of ILO standards. Provision should be made for regional or subregional meetings to consider subjects between the first and second discussions. Regional advisers could have preliminary discussions with member countries to select subjects in advance. The criterion in this regard should be the interest of the subject for the majority of member States. The Working Party should also examine the possibilities of consolidating existing instruments into compact groups (for example, in the field of social security). There must also be flexibility in the formulation of standards, a matter on which the Indian Government had made specific suggestions for instruments to be divided into three parts, the first of which would enunciate principles and objectives, the second prescribe minimum standards within the reach of all countries, and the third set higher standards as a long-term objective. The level at which standards should be set should be neither too low nor too high. There appeared to be no need for changes in the conditions governing entry into force or denunciation of Conventions; the final clauses presently included in Conventions were adequate. Finally, ILO

assistance should be provided to strengthen labour administrations and help workers' organisations to deal with ILO standards.

12. The Government member of Jamaica observed that Conventions and Recommendations were regarded as a guide to legislation and practice. It would be desirable to make them part of national law once they had been adopted, but regrettably this was not possible, as Conventions represented a compromise among conflicting viewpoints. In Conventions which delegates voted for there were points which they supported but also others which it was difficult to apply because of their policy implications. This limited the number of ratifications. The choice was between trying to secure more ratifications and adopting standards which in many case would continue to be only a guide. It would in any event be desirable to have a periodic review of the usefulness of some Conventions, and to end reporting on obsolete texts.

13. The Government member of Spain recalled that ILO standards constituted minimum standards. It was necessary to reconcile the need for economic growth with minimum requirements in the social field. Conventions should not merely reflect existing conditions, but should aim at going beyond them. They should generally be of universal scope, but might also be adopted to deal with problems in particular sectors. When setting standards, one could not determine in advance the number of ratifications to be expected. Having regard to variations in membership, statistics showing the percentage of ratifications were not entirely convincing. It was not easy to decide at this stage whether a slowing down of the pace of standard setting would be appropriate, but, in any event, the Organisation should continue to set new standards. The present double-discussion procedure appeared to be satisfactory. One might accept that the representative of a country could speak on behalf of another country, as a measure designed to help small delegations to take part in several Conference committees. It would be desirable to consolidate certain groups of instruments, provided that rights already provided for were maintained. Technical co-operation had an important bearing on the implementation of ILO standards, not only when it aimed specifically at this objective but also when it strengthened labour administration or employers' and workers' organisations. The promotion of social justice required continuing efforts. Finally, at the practical level, the continuation and further development of publications in the form of periodical legal digests and the International Labour Code should be encouraged.

14. The Government member of Japan was in favour of according priority to the implementation of existing standards rather than the adoption of new instruments for which the criterion should be the interest they present for a majority of member States. The pace of standard setting should not exceed the placing of two items on the Conference agenda. Although flexibility was necessary, one should not lose sight of the objective of each instrument. In order to keep the existing Conventions and Recommendations meaningful, it was necessary to review them and, if necessary, to revise them in the light of

economic development and social changes in member States. As the majority of member States were developing countries, attention in revising ILO standards should be concentrated on the needs of those countries. Conventions should be capable of ratification if States made reasonable efforts. Where Conventions had plausible aims but remained ratified by only few countries after many years, one should examine whether ratification by far more countries would become possible by revising certain parts without endangering their purposes or by providing clearer interpretations. In proceeding to partial revisions, greater use might be made of the single-discussion procedure. Finally, it was essential to provide assistance to developing countries in order to promote the ratification and application of standards.

15. The Government member of Norway considered that it would be desirable to have fewer items on the Conference agenda each year, in order to facilitate wider participation of delegations in technical committees and to improve the quality of ILO instruments. It would be useful to examine ILO policy regarding consolidation of existing standards. Revision and consolidation of existing standards should not prevent the formulation of standards on new topics. It was, however, of great importance both for the ILO and member States to revise older standards in order to ensure their adaptation to changing conditions. Revision would also facilitate the situation for member States as regards their reporting obligations. It might be of interest to consider the possibilities of introducing a procedure for abrogating ILO Conventions. As regards policy in relation to flexibility in ILO standards, discussion in the Working Party would be more fruitful once the Office study on this matter was available. Since the scope for flexibility usually depended on the subject matter, it would be useful to know more about the use of flexibility devices as regards scope, substance and means of implementation of Conventions, and to be informed about the impact of flexibility clauses on the implementation of standards and on the number of ratifications. It would be desirable to enhance the status of Recommendations. One way of doing so would be for governments to invite their parliaments to make formal declarations as regards acceptance and implementation of Recommendations either in their entirety or with specific exceptions. It would also be useful to consider under what circumstances promotional Conventions should be used. In some cases - such as the Equal Remuneration Convention (No. 100) - they had proved very useful. Promotional Conventions, however, caused difficulties for ratifying States to know what measures of implementation were required. ILO assistance to member States was desirable at the stage of formulation of standards, to enable all countries to make known their views. Other aspects of this matter, such as financing of Conference delegations and changing the timing of decisions concerning the Conference agenda, were being considered by other committees of the Governing Body.

16. The Government member of Argentina considered that one of the main difficulties to be resolved was the limited number of ratifications. Only 13 Conventions had been ratified by more than

half the member States. The rate of adoption of new instruments was too great and created difficulties for administrations in developing countries. He supported the Indian Government's proposal to select only one new item for standard setting each year and to extend the adoption process to a period of three years. The subjects chosen should be of direct interest to developing countries. Flexibility was not appropriate in standards concerning fundamental human rights; on other questions it was necessary to maintain the proper balance between possibilities of implementation and the need for social progress. It might not be possible to divide Conventions into three parts, as suggested by the Indian Government, but flexibility in various provisions might make Conventions more widely applicable. It was also important to provide assistance to member States both at the stage of drawing up ILO standards and in incorporating those standards in national legislation.

17. The Government member of Australia observed that the fact that a substantial body of ILO standards now existed justified a slower pace of standard setting in coming years. ILO standards had a dynamic dimension, and no doubt there would be new subjects to deal with, but the number involving essential issues would be fewer than in earlier periods. Greater attention should be given to revision of existing instruments than to the adoption of new standards. Various types of instruments had been adopted, e.g. sectoral, comprehensive, promotional. His Government had reservations about sectoral standards, and felt that one should rather adopt a comprehensive approach. Sectoral Conventions had in general received few ratifications. Promotional standards (such as those on equal pay, discrimination and employment policy) were useful in encouraging States to pursue the issues concerned. The respective roles of Conventions and Recommendations had become blurred and should be reconsidered. The most ratified Conventions dealt with a limited number of issues, by way of principle. This should be the general approach in Conventions, leaving means of implementation to Recommendations. This was particularly important for federal States, and more generally would be a factor of flexibility. A variety of flexibility devices were available to the Conference, and should be used. One should remember that ILO standards were minimum standards, and they should therefore not be set at the level appropriate to the most developed countries. All States should be able to participate in the setting of standards. It was accordingly important to limit the demands made by the ILO generally on national labour administrations and employers' and workers' organisations.

18. The Government member of Ethiopia stressed the importance of ILO standard setting in promoting human rights. It would be desirable to slow down the pace of standard setting by limiting the number of technical items on the Conference agenda, so as to permit wider participation by delegations from developing countries. The proposals made by the Governments of Sweden and Switzerland, aimed at reaching balance between the adoption of new standards and the revision of existing ones, were reasonable. The use in both new and revised Conventions of flexibility devices recognising the existence of

differences in levels of development and in economic, social and political systems would encourage a large number of countries to ratify those Conventions. It was important for the ILO to assist member States at the stage of formulation of standards by financing Conference delegations from the least-developed countries. The double-discussion procedure should be maintained. Means should also be created within the Office to promote more and speedier ratifications, since supervising ratified Conventions only was not sufficient for safeguarding the rights of workers. Technical assistance should be given to member States that face difficulties in implementing standards.

19. The Government member of Iraq was in favour of continuing to elaborate standards, in particular those relating to human rights. As regards existing standards, review was appropriate as some of them lacked flexibility, others were not adapted to conditions of economic and social development, and yet others should be consolidated or unified.

20. The Government member of Algeria supported the views expressed by the Government members of Ethiopia and Iraq.

21. The Government member of Cuba considered that efforts should be directed at consolidating and revising existing ILO standards in the light of changes in conditions rather than adopting new standards. Any new or revised standards should be flexible. The type of flexibility to be provided for had to be determined in the light of the subject under consideration. A slower rhythm of standard setting should be followed; taking up one new subject each year would facilitate participation by developing countries. Various procedures could be followed in preparing standards, such as preliminary expert meetings to bring together relevant data and regional meetings. Promotional Conventions could be useful, but when dealing with fundamental rights of workers' care one must ensure that the standards are not weakened by depriving them of their minimum binding force.

22. The Government member of France stressed the importance of ILO assistance to member States in regard to standards. Such assistance should also be provided in connection with ratification of Conventions. The question of flexibility had already been considered in the final report of the previous working party in 1979, which had analysed various flexibility clauses. Although there appeared to be wide agreement on the principle, Governments did not make sufficient use of the various flexibility devices, and should be given more information concerning them. Guidance should also be provided to members of technical committees at the Conference. It was important to dispel any ambiguities surrounding these questions by attempting to spell out the notion of flexibility. Much emphasis had been placed on the importance of revision of earlier standards. However, in view of the numerous revisions undertaken since 1979, relatively few items remained which called for revision, and there was a larger number of questions on which new standards might be envisaged. The list of items so far identified should be regarded as an open list, to which

new ideas might be added. Three main themes ran through this list: the protection of workers, new forms of work and occupational safety and health. Different ideas had been expressed as to the appropriate level at which to set standards. The solution to be chosen would depend on the subject. The ILO should closely follow changing conditions and be prepared to undertake the adoption of standards as needs arose. General discussions might be very useful in identifying subjects for new instruments.

23. The Government member of the United States recalled that the 1984 Conference discussion had shown a strong current of opinion in favour of slowing the pace of standard setting. The reason for doing so was to improve quality. The number of items should not be fixed rigidly, but should vary according to circumstances. If there were too many, delegations would not be able to cover them. If too few, the Conference might deviate from its real work into issues of a political nature. There appeared to remain relatively few questions calling for revision, apart from the maritime field. Where Conventions had been little ratified, the need for revision should be considered. There had been discussion concerning the economic consequences of standards. It would be useful to study the effects of particular standards, e.g. those dealing with termination of employment, so that the lessons learned might be taken into account in future standard setting. A discussion on such questions might slow the pace of standard setting, but would provide a better basis for new standards. There was general agreement on the need for flexibility in technical Conventions (as opposed to human rights standards). More systematic information on flexibility clauses and more specific assistance should be provided to Conference committees and governments. The clause in the recent Labour Statistics Convention, permitting the introduction of limitations after ratification, was an interesting innovation, whose use in appropriate cases might avoid the need for denunciation. While it would be desirable to enhance the status of Recommendations and various suggestions for that purpose had been made, one had to recognise that Recommendations had lost their importance and it seemed difficult to alter that situation. Finally, it would be advantageous to consider reviewing the classification, by stages, on a continuing basis, and by selected groups of instruments.

24. The Government member of the Federal Republic of Germany observed that some Conventions, although having received few ratifications, nevertheless played an important role. One should therefore be wary of oversimplification when using the criterion of ratification to assess the value of Conventions. As regards the question of flexibility it was necessary to define that notion. A distinction could be made, depending on whether it was considered from a formal or practical angle. Differences in national conditions and legal systems could make it necessary to resort to flexibility clauses, but the principle of the universality of standards should not for that sake be minimised nor should the objectives of standards be weakened. While it could favour ratifications, the introduction of such clauses could also give rise to difficulties with regard to the examination of the application of Conventions. Finally, as regards

publications and practical measures, it would be desirable to consider updating the German edition of the compendium of Conventions and Recommendations.

25. The Government member of Austria recalled that the ILO's task was to improve working and living conditions. That is why, in setting standards, one must look to the future. The number of ratifications was not the decisive consideration. It was rather whether the standards could point the direction for social development. That also explained why new subjects had to be taken up in standard setting, for it was necessary to respond to changes of technology, make provision for new forms of work and remuneration and deal with new problems in the field of occupational safety and health. Having regard to these considerations, one might doubt whether fewer items should be brought before the Conference. As regards flexibility in Conventions, there was a need to clarify concepts and the purpose of flexibility. He agreed with the views of expressed by the Government of the Federal Republic of Germany and Finland on the question of flexibility and those of the Government of Norway concerning the use of promotional Conventions.

26. During the Working Party's meeting in February 1986, some discussion took place of the questions of possible consolidation of Conventions and the abrogation of out-of-date Conventions, in the light of the indications contained in the note prepared by the Office set out in Appendix IV. Several Government members observed that, while consolidation of existing Conventions in particular fields was theoretically possible, it would require very considerable effort and give rise to a number of practical difficulties. In these circumstances, such action would not be cost-effective. It was also observed that the existence of a variety of texts on a particular subject had the advantage of offering States a choice, whereas a single text might be less easy to ratify. The Government member of India stated that it might still be desirable to examine whether in certain areas a consolidation of existing instruments might not be practicable. The Employer members felt that the Indian Government's proposal should be studied further in that it referred also to the possibility of drawing up standards to be ratified by stages; in this connection it might be worthwhile to consider reopening to ratification certain Conventions which had been closed to further ratification following entry into force of revising Conventions. With reference to the suggestion in the Office note that it might be useful to prepare a new edition of the International Labour Code, several Government members expressed misgivings on this subject, in view of the considerable resource implications. On the question of abrogation of Conventions, it was noted that at present no provision existed for such action. The Employer members felt that obsolete Conventions should be eliminated, and that consideration should be given to the introduction of appropriate clauses for that purpose in the final Articles of Conventions. The Worker members considered that attention should be given to dealing with problems calling for new standards rather than formal measures in relation to instruments which were no longer of relevance. Several Government members felt that practical

measures, such as the decisions taken by the Governing Body no longer to ask for detailed reports on a number of out-of-date Conventions, provided a simpler solution, less rigid and categorical.

27. At the conclusion of the discussion, the Chairman observed that the classification of existing Conventions and Recommendations to be made by the Working Party should be exhaustive, and that it would not be possible to consign any instruments to the scrap-heap. Standards which were no longer of interest for some countries might still have relevance elsewhere. Any classification should be subject to change, particularly in the light of scientific and technical developments. The ILO should be able to respond rapidly to new situations constantly arising in economic and social life. In talking about the flexibility of standards one should bear in mind that this expression might cover a variety of approaches. It might involve the calling into question of benefits already enjoyed by workers. It was therefore necessary to examine carefully not only the advantages which might result from flexibility but also the effect this might have on existing rights and advantages. In considering the level at which standards should be set, one should have regard both to qualitative and quantitative aspects. When dealing with freedom of association and other human rights, international standards must be universal and not vary according to levels of development. In other fields, it was obvious that, while some States were able to accept standards already at the time of their adoption, others would have to wait before being able to apply them. It was necessary to see what help might be given to States, not only at the stage of adoption of standards, but also in their implementation. One should seek, by means of international solidarity, cohesion between developed and developing countries.

II. Observations received from governments and from employers' and workers' organisations

28. Replies containing comments on questions of general policy on ILO standard setting tend to confirm, supplement or continue the discussion on this issue in the Working Party. On the whole the same arguments and points of view are encountered. Comments by the employers' organisations largely refer to the statements made by the Employer members of the Working Party, or to that made by the representative of the IOE in plenary sitting of the 70th Session of the Conference. As for the IOE itself, it expressed support for the positions taken by the Employer members of the Working Party. Comments by workers' organisations tend to concur, and follow the lines of the statements made by the Worker members of the Working Party.

29. More specifically, the replies deal chiefly with the pace of standard-setting activities and relative priorities, the application of the principle of universality and problems regarding the level of standards and the flexibility of Conventions, as well as certain other problems linked to the procedure for the adoption of standards and

their ratification. The following sections analyse the replies in relation to these issues.

Pace of standard-setting activities and relative priorities

30. Most governments commenting on these questions were in favour of reducing the pace at which standards are adopted and at the same time attaching greater priority to the revision of instruments than to the preparation of new ones, or at least of reaching a desirable balance between the two.

31. Several governments, such as those of Cyprus and the United Kingdom, stated in support of this view that there were already a great many instruments covering a wide range of subjects and fields. It was therefore unreasonable to expect that the pace of standard setting would remain constant (United Kingdom), it was logical and advisable to reduce somewhat the pace at which standards were adopted (Argentina), but without neglecting to give the required degree of attention to new problems created by technological change and other situations affecting working conditions (Nigeria, Venezuela). In concrete terms, the number of technical items included on the Conference agenda might be reduced (Cyprus). For example, one subject only might be selected each year for the preparation of standards (Burundi, Pakistan).

32. The advantages offered by slowing the pace of standard setting are set out in particular by the Governments of Argentina and Burundi. It would facilitate the work of national administrations having only limited means, and would make it possible to examine situations more closely and reach more accurate conclusions with a view to the submission of legislative texts, to review prospects of ratification at shorter intervals, to make greater efforts to bring national legislation and practice into line with Conventions, and to improve interaction between the legislature and the executive authorities. More generally, it would broaden participation in technical committees, and would improve the quality of standards and the operation of machinery for the supervision and promotion of standards.

33. Governments in favour of slowing the pace of standard setting state in general that it would be preferable to give continuing attention to revision (Federal Republic of Germany, Ireland, United Kingdom) or, more specifically, to accord priority to the revision of existing standards rather than to the adoption of new ones (Burundi, Colombia, Cuba, Tunisia). The adoption of new standards would only be justifiable, in the opinion of the Government of Cuba, to deal with new situations brought about by technological, social or economic changes.

34. The opinions expressed by the Governments of Sweden and Switzerland are more finely balanced. Switzerland seems in favour of achieving an equilibrium between revision and the adoption of new standards: only one genuinely new subject might be included in the Conference agenda each year, whereas another item might be regularly given over to the revision of existing instruments. Sweden is also in favour of finding such a balance, but felt that it might prove necessary to include up to two new subjects each year on the Conference agenda. The Government of Finland considers that the draft classification shows that to relax the pace of standard setting, for example by placing emphasis on revision, would be to follow a policy unsuited to both present and future needs.

35. Most employers' organisations are also in favour of relaxing the pace of standard setting. They attach priority in standard setting to revision, particularly in the case of standards that have secured only a small number of ratifications (Brazilian National Confederation of Industry (NCI), Confederation of Portuguese Industry, Norwegian Employers' Confederation, Swedish Employers' Confederation and Uruguayan Employers' Committee for ILO Affairs). Some of them therefore proposed including in Category 2 of the revised classification (instruments to be revised) a relatively large number of standards included in Category 1 (instruments to be promoted as a priority). Reservations were also expressed regarding the advisability of suggesting new subjects. However, replies from employers' organisations show a positive attitude towards the adoption of new standards in the field of occupational safety and health and on more specific subjects, such as the protection of workers in matters of discipline and working conditions in offshore installations.

36. Workers' organisations are strongly opposed to any idea of relaxing the pace of standard-setting activities. Trade unions consider that there is no justification for such a change in current policy. Working life is characterised by constant change and evolution, and the adoption of new standards to meet such changes is necessary to provide adequate responses, particularly in order to take account of the development of new technology and the effects of introducing new equipment and materials. At the same time it is important to keep the body of existing standards up to date and to improve it, and therefore it is necessary to revise instruments. Hence there is or is likely to be a range of social issues calling for standard-setting activities, and any limitation on the latter would ultimately conflict with the ILO's aims. Such views are expressed in particular by the International Confederation of Free Trade Unions (ICFTU) and by national trade union organisations in the Federal Republic of Germany (German Salaried Employees' Union, DAG), Austria (Austrian Congress of Chambers of Labour), Cyprus (Cyprus Workers' Confederation), Finland (Central Organisation of Finnish Trade Unions (SAK) and Confederation of Salaried Employees (TVK)), Japan (Japanese Confederation of Labour, DOMEI), United Kingdom (Trades Union Congress, TUC) and Sweden (Swedish General Confederation of Labour, LO).

37. As for determining the priorities in selecting subjects for new standards or revised standards, proposals relating to the use of certain criteria were made by several Governments (Federal Republic of Germany, Norway, Sweden, United States). These suggestions are reflected in paragraph 12 of the Working Party's report.

Universality, flexibility and level of standards

38. Together with employers' organisations (including the Norwegian Employers' Confederation, the Confederation of Employers of the Dominican Republic and the Confederation of Portuguese Industry), Governments of both industrialised countries (Finland and Switzerland) and developing countries (Burundi, Cameroon, Madagascar, Nigeria and Pakistan), stress that in drawing up standards appropriate use should be made of flexibility devices taking account of differences in levels of development and social and economic conditions. The Government of Cuba takes the latter to include different forms of ownership and industrial relations. The Governments of Argentina, Cuba, Kuwait and Tunisia feel that attention should be given to the inclusion of flexibility clauses not only in drawing up new standards, but also in revising standards adopted when the Organisation was not as universal as it is today. However, the Government of Finland considers that flexibility clauses should be drafted with more precision. The Swedish Employers' Confederation believes that the influence of such clauses on the application of standards should be evaluated, referring in this connection to the statement by the Government member of Norway in the Working Party.

39. Noting the limited use made so far of flexibility clauses, several Governments (Belgium, Federal Republic of Germany, Switzerland and Venezuela) support the ideas expressed by the Government members of France and the United States in the Working Party regarding the need systematically to inform members of Conference technical committees and governments of the range of flexibility clauses.

40. While the comments invoke and generally support the principles of universality and flexibility, they differ regarding the desirable degree of flexibility and the level at which standards should be set.

41. Attributing the relatively low number of ratifications of many priority instruments to their technicality or inflexibility, employers' organisations are in favour of more flexible and less detailed standards, particularly in the fields of employment, dismissal and workers' participation. They propose a number of formulas - for instance, that certain Conventions might lay down different degrees of obligation - or refer to the advantage of clauses such as those included in the Labour Statistics Convention, 1985 (No. 160) regarding the possibilities of flexibility available after ratification. Other suggestions are that certain Conventions should

again be opened to ratification (such as the Holidays with Pay Convention, 1936 (No. 52)) or that "framework Conventions" should be used, supplemented by a set of guide-lines approved and updated by committees of experts, a formula advanced in particular for occupational safety and health standards.

42. By contrast, several comments from workers' organisations and from a number of other governments stress the dangers of setting standards too low. The Austrian Congress of Chambers of Labour and the Swedish General Confederation of Labour, for example, consider that setting the basic provisions of Conventions at a low level in order to increase the number of ratifications would be contrary to the aims and purposes of the ILO. Trade union organisations stress the dynamic role that standards must have if they are to offer prospects of progress in the debate on social policy. The Austrian trade unions, for example, categorically reject the employers' call for greater flexibility, just as they contest the argument concerning increased costs and their negative effects on competitiveness and levels of employment (occupational safety and health regulations, for example, proving the opposite). However, in order to offset the difficulties of ratification faced by the economically and technologically less developed countries, it is suggested that possibilities should be explored for ratification by stages or the partial application of Conventions within specified time-limits. The Governments of Belgium and Switzerland also believe that standards should not lose their role of stimulating social progress, both nationally and internationally, which would be the effect of adopting minimalist Conventions, as this might have the effect of crystallising prevailing situations. Excessive flexibility might also increase the difficulties of supervising the application of standards. The Government of Tunisia considers that the search for better working conditions should not compromise other essential objectives, such as the promotion of employment and, more generally, that greater attention should be given to evaluating the economic implications of any standards aimed at social progress.

43. One point of agreement, already noted by the Working Party, concerns the "natural" limits of flexibility. The Governments of several developing countries (Burundi, Cyprus and Tunisia) and industrialised countries (Ireland and Switzerland) state that, as regards fundamental rights, standards should be universally applicable, cannot be modified according to the level of development, and should not be weakened in any way that would deprive them of their minimum binding nature. In the view of the Government of the Federal Republic of Germany, flexibility should also be excluded from other important provisions, such as those on health protection. Comments from workers' organisations are also categorical in regard to such limitations. The Japanese Confederation of Labour (DOMEI) makes this point with particular reference to trade union rights, and so does the International Confederation of Free Trade Unions (ICFTU), which also mentions basic requirements of occupational safety and health.

Promotional Conventions, Recommendations and general discussions

44. Regarding promotional Conventions as one of the means of offering flexibility, the Government of Colombia considers that they have major advantages. However, the opinions of other governments are more qualified and reserved. For example, while not doubting the general value of such Conventions, the Government of Switzerland states that it is "somewhat reticent" in its attitude towards them. Where the aims of a promotional Convention and the scope of the legal obligations are not clearly defined, serious problems result for the supervision of their application; this is shown, for example, in the case of the Employment Policy Convention, 1964 (No. 122). The Government of Belgium makes the same point with reference to that Convention. The Government of Cuba considers that, on the whole, promotional Conventions are of only relative usefulness, and that they have, in the specific case of employment policy, weakened the obligation to implement measures to resolve the problem of unemployment.

45. As regards Recommendations, which the Conference has come to regard as secondary instruments, the comments generally express a positive appreciation of their value. For example, the Swiss Government considers that they should not be regarded as minor instruments with no practical effectiveness, referring in particular to the obligation to submit them to the competent authorities and to report. Since they are highly flexible and much more universally acceptable, particularly where the difference in levels of development makes it difficult to adopt standards of a binding nature, the Government of the United Kingdom believes that greater use should be made of them (as well as of voluntary guide-lines and codes of practice). A similar view is expressed by the Government of Tunisia and by the Finnish employers' organisations (STK and LTK). The Government of Burundi suggests that Recommendations should be made the subject of formal declarations by legislative bodies regarding their adoption and application, whether in part or in full. The Swedish Employers' Confederation would prefer reports under Article 19 to be requested, at regular intervals of five years, for example, on major Recommendations not supplementing a Convention (for example, Nos. 91, 92, 94, 113, 129 and 130, concerning industrial relations; the Workers' Housing Recommendation, No. 115; the Reduction of Hours of Work Recommendation, No. 116; and the Older Workers Recommendation, No. 162).

46. The Swedish Government observes that the respective roles of Conventions and Recommendations would be clearer if governments responded to the request to specify the provisions to be included in these respective instruments. In the opinion of the Swiss Government, the issue at stake and the nature of the subject-matter should serve as the criteria governing choice. As regards the advisability of enabling the Governing Body to give greater guidance to the Conference on the form, scope and content of new instruments, suggested by the Employer members (see paragraph 7(g) above), the Governments of

Belgium and Sweden consider it important for the Conference to retain its sovereignty and freedom to reverse its decision on the form of instruments.

47. A choice may also exist between the adoption of an instrument and the inclusion of an item on the Conference agenda for general discussion. Some governments see merit in the argument that general discussions are particularly useful in new areas in establishing the levels of interest and of difficulty (United Kingdom), or where the subject involves broad questions of government policy, in order to clarify the problems and provide guidance to the authorities responsible for implementing policy (Cyprus). The Government of Finland would prefer more frequent use of this procedure, but this is opposed by the Finnish trade union organisations.

48. Some governments question the relative value and limits of standard setting itself, particularly in view of the priorities established in the ILO's long-term programme. The Government of Colombia observes that the adoption of new instruments, as well as the revision of existing instruments, is not an end in itself, nor the only means of action available to achieve the ILO's objective of social progress. Other Governments, such as those of Finland, Nigeria and Venezuela, consider that standard setting is and must remain the corner-stone of the ILO's activities. This view was also shared by the workers' organisations.

Procedure for the adoption of standards

49. On the whole, governments commenting on this question (including Burundi, Madagascar, Switzerland and Venezuela) are in favour of the double discussion procedure. At the same time it is suggested that the possibility should be examined of extending the procedure over a longer period, for example three years, so as to involve regional conferences and committees in the intervening periods. As regards the single discussion procedure, this should remain the exception, to be used in cases of special urgency or where other special circumstances exist or, if possible, for the revision of existing standards. A contrary position is taken by the New Zealand Employers' Federation, which thinks that only a limited number of possible subjects for new standards merit a double discussion (such as questions of occupational safety and health and the protection of workers in matters of discipline). Both the advantages (improved productivity) and the disadvantages (limited representation) of a phase of technical discussions preceding the legislative work itself are referred to by some of the above Governments (Switzerland and Venezuela). Another Government (Finland) suggests recourse to protocols to adapt or update certain standards so as to accelerate the procedure.

50. Comments by governments on the procedure for the adoption of standards cover two major concerns. The first - also stressed by the ICFTU - is to ensure broader participation, on a tripartite and equal basis, by all Members in the various stages of the adoption of standards. The Governments of Cuba and Switzerland consider that financial solutions are necessary but not alone adequate to achieve that aim. Attention is also drawn to the advisability of motivating delegations and making them more aware of the importance of active participation in the work of technical committees, particularly those from developing countries. The Government of Venezuela believes that the question of the patent inequality between different countries as regards their participation in the Conference should be examined, for it has a direct influence on standard setting. The Government of Nigeria emphasised that care should be taken not to erode the confidence of developing countries in efforts to create a legal framework for economic and social policy on a world-wide basis. The Swiss Government expresses concern at the administrative burden on member States and at the fact that this burden is increasing both for developing and industrialised countries; the Government considers it essential to ensure that that burden is not needlessly increased, lest the standard-setting system gets out of control. The Government of Venezuela expresses concern at the demands made by the procedure, which are beyond the real capacity of many governments and occupational organisations, and at the consequences for the quality and credibility of the legislative work. In this connection, several governments and occupational organisations call for the expansion and improvement of technical and practical assistance from the first stages of the procedure for the adoption of standards. This view is expressed by the Governments of Argentina, Burundi, Madagascar, Portugal, Switzerland, Tunisia and Venezuela, the latter believing that assistance and education should be continuous and systematic. Emphasis is placed on bearing the cost of Conference delegations, at least in the case of the least developed countries, and also on the assistance to be provided to labour administrations and occupational organisations, particularly through regional advisers on standards, and more generally the ILO's field structure, whose role should be expanded.

Problems related to the ratification of Conventions

51. The link suggested by the Employers between voting on instruments at the Conference and their subsequent ratification (see above paragraph 5 of this Appendix) is disputed by the Governments of Belgium and Burundi. The two acts are of different natures. The adoption of Conventions is more a technical than a political act, by contrast with ratification. The Government of Belgium in particular considers that the usefulness of reviving the Forbes-Watson tables has not been demonstrated. To compare the voting of a government on the adoption of a Convention with the measures it takes with a view to ratification within a five-year period would be to distort the

character of a government's participation in the adoption of standards and would in practice amount to establishing a new time-limit beyond that laid down by article 19 of the Constitution.

52. The use of the number of ratifications as a criterion for the conditions of entry into force of Conventions is the subject of comments by the Governments of Belgium and Switzerland. The former sees no justification for the proposal by the Employer members to re-examine the final clauses of Conventions so as to increase the number of ratifications necessary for their entry into force (see above, paragraph 7(e) of this Appendix); where two countries ratify a Convention, they enter into a mutual undertaking to respect that Convention, which thereby comes into force. The Government of Switzerland, by contrast, considers it appropriate to examine whether the initial or objective entry into force of Conventions should not be made subject to a greater number of ratifications. The Government of Kuwait is in favour of that course, and also proposes to reduce to five years the intervals at which ratified Conventions may be denounced (see also paragraph 7(e) above).

53. More generally, use of the number of ratifications as a criterion for measuring the value of Conventions, with the consequences drawn by the Employer members regarding priorities for standard setting and the search for flexibility in standards, is contested by the workers' organisations. The Austrian Congress of Chambers of Labour and the Swedish General Confederation of Labour do not think that the usefulness or value of a standard, or more generally the effectiveness of the ILO's standard-setting activities, can be measured simply by reference to ratification statistics. Instruments have been and must remain a means of implementing progressive social policies and must also offer guidance to countries that are not yet capable of ratifying them. Similar views are expressed by a number of governments. They should be considered together with views on the level of standards (see above, paragraph 42).

54. Even though only relative value is attached to it as a criterion, ratification is nevertheless generally regarded as an important objective (for instance, by the Finnish trade union organisations and the Governments of Finland and Tunisia). A number of comments accordingly contain proposals on the ILO's operational activities. Noting, for example, that the difficulties surrounding ratification are often minor and attributable to a lack of information, the Government of Finland would prefer greater attention to be given to follow-up on Conventions and ILO assistance to be strengthened and made more specific. Comments by the Government of Portugal, the Swedish General Confederation of Labour and the New Zealand Employers' Federation echo this view, stressing also the need for information on the significance and implications of ratification. The Uruguayan Employers' Committee suggested sending questionnaires to member States and occupational organisations concerning difficulties impeding ratification. The Government of Kuwait proposed establishing a working party to study the reasons for the low rate of

ratifications. The Government of Pakistan raised the question of the deterrent effect of too rigid an attitude by the supervisory bodies. Greater assistance is called for, for example by the Government of Argentina and the Austrian Congress of Chambers of Labour, to help developing countries overcome the problems involved in incorporating standards into national law. The Austrian trade union organisation puts forward the idea of carrying out and publishing systematic studies of the different ways or methods of proceeding, considering that this would be an important contribution to the debate on this question and would make it possible to enhance the impact of standards. In order to offset the risks of premature ratification, the Swedish Employers' Confederation suggests modifying the procedure for requesting reports: the first report should be requested at the time of ratification in order to verify whether legislative action has been taken, where necessary.

55. Finally, as regards practical information on progress in ratification, the Swedish Employers' Confederation proposes that publication of the chart of ratifications be discontinued and replaced by Conference Report III (Part 5); that report would become an annual publication and would give information arranged by Convention and by country and would include a statistical appendix. The New Zealand Employers' Federation suggests modifying the present form of the chart of ratifications so as to base it on the list of instruments classified as priority instruments.

APPENDIX II

REVISED CLASSIFICATION OF INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS AND POSSIBLE SUBJECTS FOR NEW INSTRUMENTS*

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
<u>BASIC HUMAN RIGHTS</u>				
Freedom of association	C.87 (freedom of association) C.98 (right to organise and collective bargaining) C.135, R.143 (workers' representatives) C.141, R.149 (rural workers' organisations) C.151, R.159 (labour relations in the public service)		C.11 (right of association in agriculture) C.84 (right of association in non-metropolitan territories)	
Forced labour	C.29, C.105 (abolition of forced labour)		R.35 (indirect compulsion) R.36 (regulation)	Prison labour
Discrimination	C.111, R.111 (discrimination in employment) C.100, R.90 (equal remuneration for men and women)			Equal treatment for men and women in matters of social security
<u>EMPLOYMENT POLICY AND HUMAN RESOURCES DEVELOPMENT</u>				
General				Protection of basic rights of workers in face of technological development
Employment policy	C.122, R.122, R.169 (employment policy) R.136 (youth schemes)		R.11 (agriculture) R.45 (young persons) R.50 (public works) R.51 (public works) R.71 (transition from war to peace) R.73 (public works)	Employment promotion and social security ¹

* For further indications concerning the purpose and nature of this classification, see Appendix III, paragraphs 1 to 4.

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
Employment services	C.88, R.83 (employment service) C.96 (fee-charging employment agencies)		C.2 (unemployment) C.34 (fee-charging agencies) R.1 (unemployment) R.42 (employment agencies) R.72 (employment services)	Regulation of temporary work agencies
Vocational guidance and training	C.142, R.150 (human resources development)		R.15 (agriculture) R.56 (building) R.57 (vocational training) R.60 (apprenticeship) R.87 (vocational guidance) R.88 (adults) R.101 (agriculture) R.117 (vocational training)	
Rehabilitation and employment of disabled persons	C.159, R.99, R.168			

INDUSTRIAL RELATIONS

R.91 (collective agreements)
C.154, R.163 (collective bargaining)
R.92 (voluntary conciliation)
R.94 (co-operation at undertaking level)
R.113 (consultation)
R.129 (communications)
R.130 (grievances)

Methods of establishing works rules and their contents
Protection of workers in matters of discipline
Data protection for workers
Workers' participation in decision-making at the level of the undertaking

GENERAL CONDITIONS OF EMPLOYMENT

Employment security	C.158, R.166 (termination of employment)		R.119	
Wages	C.94, R.84 (labour clauses in public contracts) C.95, R.85 (protection of wages) C.131, R.135 (minimum wage-fixing machinery)		C.26, R.30 (minimum wage-fixing in industry and commerce) C.99, R.89 (minimum wage-fixing in agriculture)	Protection of workers in the event of the insolvency of their employer

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
Hours of work	R.116 (reduction of hours of work) C.153, R.161 (road transport)		C.1 (industry) C.20 (bakeries) C.30 (commerce and offices) C.31 (coal mines) C.43 (sheet glass) C.46 (coal mines) C.47 (40-hour week) C.49 (glass bottles) C.51 (public works) C.61 (textiles) C.67, R.63, R.64, R.65, R.66 (road transport) R.8 (inland navigation) R.37 (hotels, etc.) R.38 (theatres, etc.) R.39 (hospitals, etc.)	Conditions of work of shift workers
Weekly rest	C.14 (industry) C.106, R.103 (commerce and offices)		R.18 (commerce)	
Paid leave	C.132 (holidays with pay) C.140, R.148 (paid educational leave)		C.52, R.47 (holidays with pay in industry and commerce) C.101, R.93 (holidays in agriculture) R.98 (holidays with pay)	
Leisure			R.21 (utilisation of spare time)	
Agricultural workers			See above Cs.99 and 101, Rs.89 and 93	Conditions of work of persons employed in agricultural and similar activities
Workers with family responsibilities	C.156, R.165			
Part-time work				Working and employment conditions of part-time workers
Hotels, restaurants and similar establishments				Conditions of work in hotels, restaurants and similar establishments

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
<u>OCCUPATIONAL SAFETY, HEALTH AND WELFARE</u>				
General	C.155, R.164 (occupational safety and health) R.97 (protection of workers' health) C.161, R.171 (occupational health services)		R.31 (prevention of industrial accidents) R.112 (occupational health services)	Harmonisation of procedures for notification and registration of occupational accidents and diseases Prevention of accidents arising out of the production and storage of dangerous substances Prevention of psychosomatic disorders and mental stress
Toxic substances etc.	C.113 (white lead - painting) C.115, R.114 (radiation) C.136, R.144 (benzene) C.139, R.147 (occupational cancer) C.162, R.172 (asbestos)		R.3 (anthrax) R.4 (lead poisoning) R.6 (white phosphorus)	Non-ionising radiations Identification, transport, handling and use of harmful substances Use of agrochemicals in agriculture
Air pollution, noise and vibrations	C.148, R.156 (air pollution, noise and vibrations)			
Machinery	C.119, R.118 (guarding of machinery)		R.32 (power-driven machinery)	
Maximum weight	C.127, R.128 (maximum weight)			
Building and construction		C.62, R.53 (safety provisions) ²		
Commerce and offices	C.120, R.120 (hygiene)			Fire prevention in commercial and similar establishments
Welfare	R.102 (welfare facilities) R.115 (workers' housing)		R.16 (living-in conditions, agriculture)	
Dock work	See under "dockworkers" below			
<u>CHILDREN AND YOUNG PERSONS</u>				
Minimum age	C.138, R.146, R.124 (underground work)		C.5 (industry) C.10 (agriculture) C.33, R.41 (non-industrial employment) R.52 (family undertakings) C.59 (industry) C.60 (non-industrial employment) R.96 (coal mines) C.123 (underground work)	

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
Medical examination	C.77 (industry) C.78 (non-industrial occupations) R.79 C.124 (underground work)			
Night work	C.79, R.80 (non-industrial occupations) C.90 (industry)	C.79, R.80, C.90 R.14 (agriculture) (instruments of general scope on night work of young persons)	C.6 (industry)	
Conditions of employment in underground work	R.125			
<u>WOMEN</u>				
General conditions			R.123 (women with family responsibilities)	
Maternity protection	C.3, C.103, R.95		R.12 (agriculture)	
Night work	C.89 (industry)	C.89	C.4, C.41 (industry) R.13 (agriculture)	
Underground work	C.45			
<u>OLDER WORKERS</u>				
	R.162			
<u>SOCIAL SECURITY</u>				
General	C.102 (minimum standards) C.118 (equality of treatment) C.157, R.167 (maintenance of social security rights)		R.67 (income security) R.68 (armed forces)	Participation of insured persons and employers in the management of social security institutions

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
Medical care and sickness benefit	C.130, R.134		C.24 (industry) C.25 (agriculture) R.17 (agriculture) R.29 (sickness insurance) R.69 (medical care)	
Invalidity, old-age and survivors' benefit	C.128, R.131		R.17 (agriculture) C.35-C.40, R.43 C.48 (maintenance of migrants' pension rights)	
Employment injury	C.121, R.121 C.19 (equality of treatment)		C.12 (agriculture) C.17 (accidents) C.18, C.42, R.24 (occupational diseases) R.25 (equality of treatment) R.22 (minimum scale of compensation) R.23 (jurisdiction)	
Unemployment		C.44, R.44 ¹		
Family benefit	C.102 (Part VII)			New instrument on family benefit
<u>MIGRANT WORKERS</u>				
	C.97, R.86 (migration for employment) R.100 (underdeveloped countries) C.143, R.151 (migrant workers)		R.2 (reciprocity) C.21, R.26 (inspection of emigrants) C.66, R.61, R.62 (migration for employment)	
<u>NURSING PERSONNEL</u>				
	C.149, R.157			
<u>SEAFARERS</u>				
General	R.139 (except Part IV) (employment-technical developments) C.145, R.154 (continuity of employment) C.147, R.155 (minimum standards)	C.147 (Appendix-revision to be studied from time to time)	R.9 (national seamen's codes) R.107 (engagement on foreign vessels) R.108 (social conditions) R.139 (Part IV)	Social problems arising from new technology on board ship

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
Training and entry into employment	C.9 (placing of seamen) C.22 (articles of agreement) C.108 (identity documents) R.137 (vocational training)		R.77 (vocational training)	
Conditions for admission to employment	C.73 (medical examination)		C.7, C.15, C.58 (minimum age - revised by C.138) C.16 (medical examination - young persons)	
Certificates of competency	C.53 (officers) C.69 (ships' cooks) C.74 (able seamen)			
General conditions of employment	C.146 (annual leave with pay) R.153 (young seafarers)	C.109, R.109 (wages, hours of work, manning) ³ C.23, R.27 (repatriation) ⁴	C.57, C.76, C.93, R.49 (wages, hours of work, manning) C.54, C.72, C.91 (paid vacations)	
Safety, health and welfare	C.68 (food and catering) C.92, C.133, R.140, R.141 (accommodation of crews) R.78 (bedding, etc.) C.134, R.142 (prevention of accidents)	R.105 (medicine chests) ⁵ R.106 (medical advice) ⁵ R.48, R.138 (welfare) ⁶	C.75 (accommodation of crews)	Various aspects of environment on board ship Treatment of foreign seafarers in transit
Labour inspection	R.28	R.28		
Social security	C.8 (unemployment indemnity-shipwreck) R.10 (unemployment insurance) C.55 (shipowners' liability-sick and injured seamen) C.71 (pensions)	C.56 (sickness insurance) ⁷ C.70, R.75, R.76 (social security) ⁷		
Fishermen	C.113 (medical examination) C.114 (articles of agreement) C.125 (competency certificates) C.126 (accommodation of crews) R.7 (hours of work) R.126 (vocational training)		C.112 (minimum age)	

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
<u>OFFSHORE INDUSTRIAL ACTIVITIES</u>				
				Conditions of work in offshore industrial activities
<u>DOCKWORKERS</u>				
	C.137, R.145 (dock work) C.152, R.160 (occupational safety and health) C.27 (marking of weight)		C.28, C.32, R.33, R.34, R.40 (protection of dockers against accidents)	
<u>INDIGENOUS AND TRIBAL POPULATIONS</u>				
	C.107, R.104 (indigenous and tribal populations)	C.107 ^a	C.50, R.46 (recruiting) C.64, C.86, R.58 (contracts of employment) C.65, C.104 (penal sanctions)	
<u>PLANTATIONS</u>				
	C.110, R.110			
<u>LABOUR ADMINISTRATION</u>				
General	C.144, R.152 (tripartite consultations) C.150, R.158 (labour administration)			
Labour inspection	C.81, R.81 (inspection in industry and commerce) R.82 (mining and transport) C.129, R.133 (agriculture)	C.81 (extension to non-commercial activities in the tertiary sector)	C.85 (non-metropolitan territories) R.5 (health services) R.20 (inspection) R.54 (building) R.55 (building) R.59 (indigenous workers)	
Statistics	C.160, R.170 (labour statistics)		R.19 (migration statistics) C.63 (statistics of wages and hours of work)	

Subject-area	Instruments to be promoted on a priority basis	Instruments to be revised	Other instruments	Possible subjects for new instruments
<u>SOCIAL POLICY (MISCELLANEOUS)</u>				
	C.117 (social policy - basic aims and standards) R.127 (co-operatives - developing countries) R.132 (tenants and sharecroppers)		C.82, R.70, R.74 (social policy - non-metropolitan territories)	Multinational enterprises and social policy

¹ The question of "Employment promotion and social security" is included in the agenda of the 73rd Session of the Conference (1987), for a first discussion. This item includes the revision of earlier standards on unemployment benefit.

² The question of "Safety and health in construction" is included in the agenda of the 73rd Session of the Conference (1987), for a first discussion of standards which would revise Convention No. 62 and Recommendation No. 53.

³ The question of new Conventions that could be incorporated, by means of a protocol, in the Appendix to Convention No. 147, is to be considered at the 25th Session of the Joint Maritime Commission to be held during the 74th (Maritime) Session of the Conference (September-October 1987). Recommendation No. 109 is also included in the agenda of that Commission (for updating the figures relating to wages and a preliminary discussion of other wage revision formulae).

⁴ The revision of Convention No. 23 and Recommendation No. 27 is included in the agenda of the 74th (Maritime) Session of the Conference.

⁵ The question of health protection and medical care for seafarers is included in the agenda of the 74th (Maritime) Session of the Conference, with a view to the adoption of an instrument.

⁶ The question of seafarers' welfare at sea and in port is included in the agenda of the 74th (Maritime) Session of the Conference, with a view to the adoption of new instruments.

⁷ The question of social security protection for seafarers is included in the agenda of the 74th (Maritime) Session of the Conference, with a view to the adoption of an instrument which would revise Convention No. 56 and Convention No. 70.

⁸ The question of the partial revision of Convention No. 107 is included in the agenda of the 75th Session of the Conference (June 1988), for a first discussion.

APPENDIX III

COMMENTARY ON THE REVISED CLASSIFICATION OF CONVENTIONS AND RECOMMENDATIONS AND POSSIBLE SUBJECTS FOR NEW INSTRUMENTS

1. At its 209th Session (February-March 1979), the Governing Body approved a classification of international labour Conventions and Recommendations and possible subjects for new instruments which had been drawn up by a working party established by its Programme, Financial and Administrative Committee.¹ This classification made use of the following four categories:

Category 1: existing instruments, ratification and application of which should be promoted on a priority basis;

Category 2: existing instruments, revision of which would be appropriate;

Category 3: other existing instruments;

Category 4: subjects concerning which the formulation of new instruments should be considered.

2. The purpose of category 1 was to identify instruments which constituted valid targets on a universal basis, and to provide a list of modern standards whose application and ratification should be a goal of social policy. In areas where a series of instruments had been adopted over the years, normally only the most recent ones were classified in this category. It was also understood that the inclusion of instruments in category 3 did not imply that commitments accepted under such instruments were not of continuing value, or that supervision of their application should be relaxed. The inclusion of a particular instrument in category 2 or the listing of a subject in category 4 was understood as indicating merely that the instrument or subject concerned should be examined with a view to determining whether there was a need for new or revised standards; further research or study might be necessary before a decision on that question could be taken. Finally, it was emphasised that the classification was made at a given point in time, and that it would require to be reviewed from time to time in the light of developments.

3. The revised classification has been established on the same basis and according to the same criteria as the 1979 classification. It takes account of the standard-setting action taken by the Conference since 1979, the decisions and discussions of the Governing Body in the intervening years relating to questions to be placed on

¹ See ILO Official Bulletin, Vol. LXII, 1979, Series A, Special Issue.

the agenda of the Conference, and other relevant developments in the work of the Organisation. It is to be noted that the inclusion of an item in category 4, as a possible subject for new instruments, does not carry with it any implications as to the contents of any new standards.

4. It may be noted that some Conventions have not come into force and, following the entry into force of a revising Convention, are closed to ratification; as a result, they have become dead instruments. In many other cases Conventions, although in force, are now closed to further ratifications. Indications concerning these various points may be found in the Chart of ratifications of international labour Conventions. Lacking formal abrogation, the Conventions concerned are classified under "other instruments". The same applies to Recommendations that have been replaced by more recent texts.

5. It will be noted that the number of items appearing in category 4 as possible subjects for new standards is substantially greater than the number of instruments listed in category 2 as calling for revision. The largest number of items in category 2 are in the field of maritime employment; most of them are on the agenda of the 74th (Maritime) Session of the Conference (September-October 1987). Outside the maritime field, only six items are listed in category 2, three of which have already been placed on the agenda of the Conference. This situation may influence the extent to which the future standard-setting work of the Conference can be devoted to the revision of existing Conventions and Recommendations and to the formulation of standards on new subjects, respectively. The relative paucity of items involving revision of previous instruments is largely due to the fact that in recent years a very substantial proportion of Conference items have related to the revision, updating or supplementing of existing standards. Of the 15 items considered with a view to the adoption of standards at the last eight sessions of the Conference, no fewer than 11 were of this nature, and only four involved the formulation of standards on new subjects.

6. The Employer members recalled, however, the opinion they had expressed concerning the advisability of examining systematically the need to revise Conventions with a low level of ratifications (see Appendix I, paragraph 6).

7. When it examined observations on the draft classification received in particular from employers' organisations, which were aimed at adding to category 2 ("instruments to be revised") a relatively large number of texts included in category 1 ("instruments to be promoted on a priority basis"), the Working Party noted that in most cases no precise indications were given concerning the purpose and nature of such revision.¹ In this connection, it may be recalled

¹ An analysis of the various proposals received can be found in document GB.234/WP/ILS/1.

that, for a number of standards identified in the earlier classification of 1979 as requiring revision, it subsequently appeared that there was insufficient justification or lack of the necessary consensus for such action. These considerations apply, for example, to the question of a possible revision of the standards relating to hours of work (see paragraph 20 below).

Basic human rights

8. The 1979 classification listed, as possible subjects for new instruments, "protection of trade union funds and assets against intervention by the public authorities, including inviolability of trade union premises" and "protection against anti-union discrimination". It was noted that the Office had published several studies dealing with these questions. A series of provisions designed to protect trade unions in these respects are to be found in the existing Conventions on freedom of association, and also in various other standards; for example, provisions to protect workers against termination of employment on account of trade union membership or activities, or on account of acting as a workers' representative, are contained in the Termination of Employment Convention, 1982 (No. 158). ILO supervisory bodies, particularly the Committee on Freedom of Association, have also been able to consider how the provisions in question apply in specific situations. In these circumstances, there does not appear to exist any special need for further standards on the protection of trade union funds, assets and premises and on protection against anti-union discrimination, and they have been omitted from the revised classification.

9. The 1979 classification listed several questions in the field of forced labour as possible subjects for new standards, namely, "freedom to terminate employment", "service obligations in connection with studies", "freedom of labour in the merchant marine", and "prison labour", on the understanding that they were all matters on which further research was necessary. It was noted that the Committee of Experts on the Application of Conventions and Recommendations, in examining reports on the application of the Conventions on forced labour and in its general survey of this subject of 1979, had dealt with the first three of these questions. For example, it had made comments on a number of cases of restriction of workers' freedom to terminate their employment relationship, and in 1981 had addressed a general direct request to States bound by the Forced Labour Convention, 1930 (No. 29), seeking information on the provisions governing termination of employment by persons in the service of the State. Questions concerning service obligations imposed in connection with studies have been considered both in regard to the Conventions on forced labour and in relation to the provisions on free choice of employment contained in the Employment Policy Convention, 1964 (No. 122). Restrictions on freedom of labour in the merchant marine (for example as regards termination of employment, and measures for forcible return of seafarers to their ship) have likewise been dealt with under the Conventions on forced labour; guarantees concerning

termination of employment by seafarers are also to be found in the Seamen's Articles of Agreement Convention, 1926 (No. 22). In these circumstances, there does not appear to exist a clear need for the time being to adopt further standards on these matters, and they have been omitted from the revised classification.

10. Certain rules concerning prison labour are contained in the Forced Labour Convention, 1930 (No. 29) and have been the subject of clarification by the Committee of Experts, for example, as regards the extent to which persons serving a sentence of imprisonment may work for private undertakings. Rules regarding work by prisoners are also to be found in the United Nations Standard Minimum Rules for the Treatment of Prisoners, and penal policy and practice generally continue to be the subject of review by specialised bodies within the United Nations. It has not been possible in recent years to allocate resources in the ILO for studies on present policies, conditions and problems in the field of prison labour. However, at the suggestion of the Worker members of the Working Party, this question has been retained as a possible subject for further standards.

11. The conclusions adopted by the Conference following its general discussion in 1985 on equal opportunities and equal treatment for men and women in employment invited the Governing Body to consider the need for additional standards on this subject. In its report of 1985, the Committee of Experts on the Application of Conventions and Recommendations pointed out that ILO Conventions did not deal specifically with equal treatment for men and women in matters of social security, and suggested that the question of adopting international standards on this subject be studied. In the Conference Committee on the Application of Conventions and Recommendations, several governments expressed support for that suggestion. The subject has accordingly been listed as a possible item for new instruments.

Employment policy and human resources development

12. The 1979 classification had listed, as a possible subject for new instruments, "protection of basic rights of workers in face of technological development". The Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169) deals in Part IV with technology policies in relation to the increase of productive potential and the creation of employment opportunities. The Termination of Employment Convention (No. 158) and Recommendation (No. 166) contain provisions on termination of employment for economic, technical, structural or similar reasons. The question of employment promotion and social security has been placed on the agenda of the Conference in 1987. Aspects concerning occupational safety and health are covered in the relevant section of the revised classification. Notwithstanding these developments, the above-mentioned item has been retained, in recognition of the fact that new problems with potentially serious implications for multiple aspects of

working life are continuing to emerge and will require close attention by the ILO.

13. The 1979 classification also listed, as a possible subject for new instruments, "right to work and protection against unemployment". As already noted, the question of employment promotion and social security (which will include consideration of the revision of earlier standards relating to unemployment benefits) has been placed on the agenda of the Conference in 1987. In addition, the Governing Body has placed on the agenda of the 1988 Conference the question of rural employment promotion (for general discussion). Moreover, the Employment Policy (Supplementary Provisions) Recommendation (No. 169) refers in paragraphs 1 and 2 to the relation of employment policy measures to the realisation of the right to work. In view of these developments, it has been considered unnecessary to maintain the above-mentioned item in the revised classification.

14. A further item included in the 1979 classification as a possible subject for further standards was "employment and training of young people". Part III of the Employment Policy (Supplementary Provisions) Recommendation (No. 169) contains provisions concerning measures in favour of young people. Accordingly, it does not appear necessary to maintain the above-mentioned item.

15. The 1979 classification had also listed "part-time employment" as a possible subject for new instruments. The subject of "employment and working conditions of part-time workers" was among the items considered by the Governing Body for possible inclusion in the 1988 Conference agenda. Accordingly, in the revised classification reference to this question is to be found in the section relating to general conditions of employment.

Industrial relations

16. The Worker members observed that the instruments on collective bargaining adopted in 1981 (Convention No. 154 and Recommendation No. 163), which are listed in this section, could also be regarded as dealing with basic human rights.

17. The 1979 classification had listed, as a possible subject for new instruments, "workers' participation in decision-making at the level of the undertaking". In view of the very diverse practices in different countries and greatly differing views within and among countries, it may be difficult to secure a sufficient measure of agreement for the adoption of standards on this subject. The Working Party nevertheless decided to maintain this item.

18. Two new items have been included as possible subjects for new standards. One of them concerns the protection of workers in matters of discipline. Standards on the protection of workers against unjustified termination of employment have already been adopted. It

would be useful to define the substantive and procedural safeguards which should be respected where an employer seeks to apply disciplinary measures in general. This subject is distinct from the question of works rules; although it may be dealt with in such rules, it is frequently regulated by other means, such as legislation, collective agreements and awards. The other new item, included at the suggestion of the Worker members of the working party, concerns data protection for workers. The Employer members considered that this subject might be regarded as an aspect of conditions of employment.

General conditions of employment

19. The 1979 classification listed "systems of payment by results" as a subject on which, subject to further study, new standards might be considered. A meeting of experts on pay systems was held in November 1983. The report of the meeting included a set of guide-lines on the selection, design and administration of pay systems, on which the experts had reached a consensus. These guide-lines also dealt with systems of payment by results. It appears from the discussions at the meeting and from the nature of the guide-lines formulated by it that the subject of payment by results would not easily lend itself to treatment by means of a Convention or Recommendation. That item is accordingly omitted from the revised classification.

20. Various comments on the draft classification raised the question as to whether it would be advisable to revise the standards relating to working time. While this subject is at present giving rise to much discussion and the search for new solutions, it would appear difficult at this juncture to achieve consensus on the contents of new international standards.

21. In the light of proposals recently considered by the Governing Body in connection with the determination of the agenda of the Conference, two new items are listed in the revised classification as possible subjects for new instruments ("protection of workers in the event of the insolvency of their employer" and "conditions of work in hotels, restaurants and similar establishments") and the subject previously defined as "arrangement of working time, including shift work and night work" has been altered to "conditions of work of shift workers" (the possible revision of the Convention on night work of women continues to be listed in the section covering instruments relating to women).

22. The 1979 classification, under the sub-heading "rural workers", listed existing instruments on minimum wage fixing machinery and holidays with pay in agriculture, and identified as a possible subject for new instruments "conditions of work in the rural sector (including weekly rest, night work, medical examination, both generally and with particular reference to young persons)". In the revised classification, the sub-heading has been changed to "agricultural workers" and the suggested subject for possible new

standards to "conditions of work of persons employed in agricultural and similar activities". Any standards drawn up on the latter subject should not apply to plantations, so as not to duplicate the provision of existing instruments covering work in plantations (Convention No. 110 and Recommendation No. 110).

23. In the conclusions on equal opportunities and equal treatment for men and women in employment adopted by the Conference in 1985, the Governing Body was invited to consider as a possible item for future standard setting the situation of home-based workers and contract workers. Research on the current position of homeworkers is already in progress, with a view, amongst other things, to determining the need for and the feasibility of adopting new standards for their protection. It would appear to be necessary to await the outcome of this research before determining whether the subject would be appropriate for Conference action.

24. A tripartite meeting on salaried authors and inventors is due to be held in November-December 1987. Its terms of reference, as fixed by the Governing Body in November 1985, are to adopt conclusions on the principles that should be applied in order to protect the rights of salaried authors and inventors, having due regard to the interests of employers, and to make recommendations for future ILO action. It appears necessary to await the outcome of this meeting in order to determine whether the subject might be contemplated as appropriate for Conference action. It should also be noted that, at the November 1986 meeting of the Industrial Activities Committee of the Governing Body, the Worker members reiterated their view that the Governing Body should invite the Director-General to consider the possibility of elaborating ILO standards to deal with the question of the protection of performers' rights regarding the uses of their performances.

Occupational safety, health and welfare

25. Three new items have been listed as possible subjects for new instruments, namely, "harmonisation of procedures for notification and registration of occupational accidents and diseases", "prevention of accidents arising out of the production and storage of dangerous substances", and "fire prevention in commercial and similar establishments". Technical work on the first of these questions is proceeding in the Office, and it has been mentioned to the Governing Body as an item which might be placed on the agenda of a future session of the Conference.¹ The second item has been included in response to the 1985 Conference resolution concerning measures against risks and accidents arising out of the use of dangerous substances and processes in industry. The question of prevention of accidents arising out of the production and storage of dangerous substances is to be distinguished from the item concerning the identification,

¹ GB.230/2/3, para. 10.

transport, handling and use of harmful substances, which also appears in the classification and on which a meeting of experts is planned in May 1987. The item of fire prevention in commercial and similar establishments was included at the suggestion of the Worker members of the Working Party. The Government of the Federal Republic of Germany suggested that any standards on this question should cover workplaces in general.

26. Two items listed in the 1979 classification as possible subjects for new instruments have been omitted from the revised classification, namely, "ergonomics and organisation of methods of work" and "micro-climatic conditions". One may envisage the preparation in due course of other types of standards (codes of practice or guides) on these matters, as a basis for application by member States, rather than the adoption of Conventions or Recommendations by the Conference.

27. The 1979 classification had listed the existing instruments on protection of workers against ionising radiations (Convention No. 115 and Recommendation No. 114) as instruments to be revised. The problem involved has in the meantime been taken into account by ILO supervisory bodies. Moreover, activities in this field have also been developed by the International Atomic Energy Agency. In these circumstances, the adoption of revised standards by the ILO on protection against ionising radiations would no longer be appropriate. However, the United States Government favoured the revision of some provisions of these standards, particularly with a view to extending their scope to nuclear radiation and apparatus generating ionising radiations.

28. Several other items listed in the 1979 classification as subjects for possible new instruments in the field of occupational safety and health - prevention of psychosomatic disorders and mental stress, non-ionising radiations and use of agrochemicals in agriculture - are maintained in the revised classification. However, in view of the number of other subjects in this field on which action by the Conference or preparatory technical work is already proceeding or to be undertaken, they could only be taken up at a somewhat later period.

29. At its Ninth Session (Geneva, April 1985), the Advisory Committee on Salaried Employees and Professional Workers, in discussing occupational hazards and diseases in commerce and offices, suggested that intensive research should be undertaken into the potential health hazards of work with visual display units. The question continues to be followed by the Office. Pending clarification of the potential health hazards, it would, however, be premature to envisage the adoption of standards on the question by the Conference.

30. The United States Government suggested the revision of the Benzene Convention, 1971 (No. 136), in order to extend its scope to products having a benzene content lower than 1 per cent, as well as a review of the standards concerning maximum weight (C. 127, R. 128) in

the light of recent research on lifting techniques, and of those concerning hygiene in commerce and offices (C. 120, R. 120), taking into account current knowledge in the field of indoor air quality.

Children and young persons

31. The 1979 classification had contemplated the revision of the instruments on night work of young persons in non-industrial occupations (Convention No. 79, Recommendation No. 80). The revised classification suggests that consideration be given to the adoption of new instruments on night work of young persons which would be of general scope and replace all existing instruments applicable to particular sectors of economic activity. This would correspond to the action taken in respect of minimum age - see Convention No. 138 and Recommendation No. 146.

32. The 1979 classification also listed the Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125) as an instrument to be revised. There does not appear to exist a sufficient need for revision of this instrument to justify placing the question on the Conference agenda. The item is accordingly omitted from the revised classification.

Women

33. The 1979 classification listed the Conventions on maternity protection (Nos. 3 and 103) among the instruments to be revised. Following the preparation of a report by the Office in 1982 on the working of these Conventions, the Governing Body decided, at its 222nd Session (March 1983), that it would not be opportune to bring such revision before the Conference, but requested the Director-General to continue to explore the matter. It still appears difficult to formulate proposals for revision which would secure a sufficient measure of consensus. Accordingly, the possible revision of Conventions Nos. 3 and 103 has been omitted from the revised classification. The Employer members and some Governments (Sweden, the United States) felt, however, that these standards should be revised.

Social security

34. During the discussion in the Working Party, some Government members and the Employer members pointed out that most social security Conventions had been ratified by only a limited number of States, and felt that a sufficient effort had not been made to distinguish between general principles on which international guide-lines were appropriate, and matters of detail, which made instruments unduly complex. Other Governments and the Worker members emphasised the importance which they attached to ILO standard-setting in this field, and the influence which had been exerted by these standards on law,

judicial decisions and collective agreements. The Worker members pointed out that ILO social security Conventions had also exerted considerable influence in countries not bound by them and on bilateral and multilateral social security agreements. They observed that at this stage standard-setting was due to be undertaken on only one item in this field, namely, the revision of the earlier instruments on unemployment benefits. The Employer members felt that it would be useful to examine why social security Conventions had not been more widely ratified, for example, by means of reports under article 19 of the Constitution. It was noted that reports were to be presented under article 19 on certain social security standards in 1988.

35. The question was raised whether the item concerning participation of insured persons in the management of social security institution listed in the previous classification as a possible subject for new instruments, should be retained, having regard to the differences in national approaches to the organisation and administration of social security schemes and the resulting difficulties in obtaining a sufficient measure of agreement on standards on the question. Both the Worker and the Employer members of the Working Party considered that the item should be retained in the classification. At the suggestion of the Employer members, the item was amplified to refer to the participation also of employers.

36. The Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) was listed in the 1979 classification under "Other instruments". Although more recent standards on this question have been laid down in Convention No. 118, that Convention has so far received far fewer ratifications than Convention No. 19 (35 and 106 respectively). Under each of these Conventions, obligations exist only towards nationals of other States which have ratified it. Even if a State has already ratified Convention No. 118, the ratification of Convention No. 19 remains important, to enable its nationals to benefit from equality of treatment as regards accident compensation by all the States which are parties to that Convention. In the revised classification, Convention No. 19 accordingly appears among the instruments to be promoted on a priority basis.

Migrant workers

37. No suggestions for new standard-setting are contained in the classification. It is recalled that a draft Convention on the rights of all migrant workers and their families is currently being prepared by a working group of the UN General Assembly. Once the preparation of that instrument has been completed, it will be appropriate to examine whether action may be desirable, within the area of competence of the International Labour Organisation, to adapt or supplement existing ILO instruments on this subject.

Seafarers

38. The 1979 classification has been revised in the light of the conclusions of the Joint Maritime Commission at its 24th Session (September 1984) and by the Preparatory Technical Maritime Conference held in May 1986.

39. The 1979 classification had listed the Certification of Able Seamen Convention, 1946 (No. 74) among the instruments to be revised. In view of the adoption by the International Maritime Organisation in 1978 of a Convention on standards of training, certification and watchkeeping of seafarers, such revision no longer appears appropriate. The item has accordingly been omitted from the revised classification.

40. The 1979 classification listed various items as possible subjects for new instruments concerning fishermen. A meeting on conditions of work in the fishing industry is to be convened in the 1986-87 biennium. It would appear appropriate to await the outcome of that meeting to determine the subjects on which new or revised instruments might be contemplated.

41. The Inland Transport Committee at its Eleventh Session (1985) adopted conclusions on the working and social conditions of boatmen in inland navigation, in which it proposed that a study be made of the extent to which existing ILO Conventions and Recommendations apply to such workers. It would appear desirable to await the outcome of this study before determining what aspects might be the subject of new instruments.

Offshore industrial activities

42. The Joint Maritime Commission, at its 24th Session in September 1984, adopted a resolution concerning occupational safety and working conditions on board maritime mobile offshore units, in which it called for a study in co-operation with the IMO and a subsequent meeting of experts. The question of occupational health in the petroleum industry (including offshore installations) was considered by the Petroleum Committee at its Tenth Session (April 1986), which adopted Conclusions (No. 75) calling in particular for the pursuit of certain research work and the convening of a meeting of experts.¹ These further studies and discussions will make it possible to consider the advisability of standard setting in this area. The Government member of Norway mentioned a number of special features affecting work on offshore industrial installations which would justify the adoption of sectoral standards in this instance.

¹ GB.234/IA/5/1, pp. 41-45.

Dockers

43. The Government of the Federal Republic of Germany proposed the revision of Convention No. 27 (marking of weight on packages transported by vessels) in order to take account of the increasing use of modern techniques of container transport.

Indigenous and tribal populations

44. At its 229th Session (February-March 1985), the Governing Body decided, subject to certain conditions and to review if necessary, that detailed reports should no longer be requested on a number of Conventions which appeared to be out of date, including Convention No. 104. This instrument, previously listed among the priority instruments, appears in the revised classification under "Other instruments".

45. Following a meeting of experts held in September 1986, the Governing Body decided to place the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107) on the agenda of the 75th (June 1988) Session of the Conference.

Social policy (general)

46. It was felt that both the placing and the title of this section in the earlier classification were not satisfactory. The section has accordingly been moved to the end of the classification, under the heading "Social policy (miscellaneous)."

47. The question of "multinational enterprises and social policy" was included in the 1979 classification, as a possible subject for new standards, on the proposal of the Worker members of the previous working party so as to draw attention to the many facets of the problems posed by such enterprises. Since then, arrangements have been developed for reviewing the effect given to the Tripartite Declaration on this subject adopted by the Governing Body in 1977, including the possibility of obtaining interpretations of provisions of the Declaration. The Employer members of the Working Party felt that, in the light of these developments, the item should be deleted. On the other hand, the Worker members, as well as the Government members of Cuba, Jamaica and Portugal, considered that the item should be retained as a possible subject for new instruments.

Labour administration

48. The Employer members observed, with reference to the instruments on tripartite consultation, that Recommendation No. 113 concerning consultation at the industrial and national levels (listed under "industrial relations") should also be borne in mind.

49. The provisions of the Labour Inspection Convention, 1947 (No. 81) relate to industry and commerce. In a general survey of the

effect given to ILO instruments in this field in 1985, the Committee of Experts on the Application of Conventions and Recommendations pointed out that there were a series of activities in the tertiary sector which in many countries were not considered as commerce, and suggested that a protocol to Convention No. 81 might be adopted to permit the extension of its provisions to such activities. This suggestion found considerable support in the Conference Committee on the Application of Conventions and Recommendations. Accordingly, while the revised classification retains Convention No. 81 as a priority instrument, reference is also made to its possible extension to non-commercial activities in the tertiary sector. The Worker members of the Working Party proposed that this extension should also cover similar activities in the public sector.

Possible new standards concerning teachers

50. Following a suggestion by the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers, the Governing Body at its 222nd Session (March 1983) instructed the Director-General to examine, in consultation with UNESCO, the need for revising or updating the Recommendation in question. At a meeting in September 1985 the ILO/UNESCO Committee of Experts examined the possible content of standards at the level of a convention incorporating certain aspects covered by the Recommendation, distinguishing between questions within the fields of competence of UNESCO and ILO respectively. At its 232nd (March 1986) Session, the Governing Body invited the Director-General to study the effect to be given to the findings of the Joint Committee concerning the contents of a possible Convention that fell within the ILO's field of competence and to submit proposals on this subject to a forthcoming session of the Governing Body.

Priorities¹

51. Proposals were submitted by the ICFTU concerning priorities in selecting subjects for inclusion in the Conference agenda. On the basis of the revised classification, these priorities related to the following subjects:

- equal treatment for men and women in matters of social security;
- regulation of temporary work agencies;
- data protection for workers;
- protection of workers in the event of their employer's insolvency;

¹ See also para. 12 of the report of the Working Party, concerning the criteria to be taken into account for selecting subjects.

- conditions of work of shift workers;
- conditions of work of persons employed in agricultural and similar activities;
- working and employment conditions of part-time workers;
- conditions of work in hotels, restaurants and similar establishments;
- prevention of accidents arising out of the protection and storage of dangerous substances;
- identification, transport, handling and use of harmful substances;
- use of agrochemicals in agriculture;
- night work of young persons;
- revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107).

These priorities were also suggested by other trade unions such as the Australian Council of Trade Unions (ACTU), the Cyprus Workers' Confederation and the Japanese Confederation of Labour (DOMEI). The latter organisation added the following three questions to the ICFTU list:

- protection of basic rights of workers in face of technological development;
- workers' participation in decision-making at the level of the enterprise;
- multinational enterprises and social policy.

APPENDIX IV

POSSIBILITIES OF CONSOLIDATING AND ABROGATING ILO INSTRUMENTS AND PRACTICAL MEASURES AIMED AT PROMOTING AN UNDERSTANDING OF STANDARDS AND IN FACILITATING THEIR USE

I. Office note on the possibilities of consolidation and abrogation

1. At the Working Party's meeting in November 1985, several members suggested that an attempt should be made to consolidate existing ILO instruments or groups of instruments. The representative of the Government of India, for example, referred to the fact that there were some 30 Conventions and Recommendations dealing with different fields of social security, and thought that it would be useful to consider consolidating them into a smaller, more compact set of instruments. The representative of the Government of Norway suggested an examination of ILO policy regarding consolidation of existing standards. The present Note is intended to provide indications for the Working Party's discussion of this matter.

2. A first point to bear in mind is that the consolidation of international instruments such as ILO Conventions and Recommendations is very different in nature from consolidation of legislation at the national level. In the latter case, the legislature enacts a single piece of legislation merging the provisions of earlier texts and at the same time repealing those earlier texts. An operation of that kind is not possible in the context of ILO standard setting. The instruments adopted by the Conference have no direct binding force or effect. Earlier Conventions which it would be desired to bring together in a consolidating instrument have each been ratified by a particular group of States. The ratifications in question would not be affected by the adoption of a consolidating Convention, and would remain in force until the various States concerned ratified the consolidating Convention or denounced the earlier Conventions.

3. The preceding remarks may be illustrated by reference to the Minimum Age Convention, 1973 (No. 138), the adoption of which constituted a significant attempt at consolidation. The Convention, which makes provision for a global policy to abolish child labour, revised ten earlier Conventions dealing with the minimum age for employment in particular sectors of activity, with the aim of gradually replacing them. As a means of establishing comprehensive modern standards and clear policy objectives, the adoption of Convention No. 138 represents an effective form of action. However, as a basis for bringing about simplification or harmonisation of obligations, its effects are likely to make themselves felt only in the longer term. For the time being, the earlier sectoral Conventions remain in force for significant numbers of countries. Most of the earlier Conventions also remain open to ratification; in part this is

the result of a deliberate decision by the Conference, which felt that those Conventions might still constitute valid interim objectives.

4. In the draft revised classification of existing Conventions and Recommendations and possible subjects for new instruments, only one of the items listed would involve action similar to that taken in respect of minimum age. It has been suggested that new instruments of general scope might be adopted on the question of night work of young persons, which would replace earlier standards applicable to particular sectors of activity.

5. To what extent would it be feasible and profitable to undertake the consolidation of instruments in other subject areas? It may be instructive to examine, in this connection, the existing instruments in the field of social security. In the pre-Second World War period, the Conference adopted Conventions dealing with maternity protection (No. 3), workmen's compensation (Nos. 12, 17, 18, 42), sickness insurance (Nos. 24, 25), pensions (Nos. 35-40), unemployment benefits (No. 44) and migrants' rights in respect of workmen's compensation and pensions (Nos. 19, 48). With two exceptions, all these Conventions have been revised or superseded by instruments adopted since the early 1960's. The two exceptions are Convention No. 12 (providing for extension of workmen's compensation legislation to agricultural wage-earners) and Convention No. 44 (unemployment benefit); the revision of the latter is to be considered by the Conference as from 1987. At the end of the Second World War, the Conference adopted comprehensive Recommendations (Nos. 67 and 69) laying down principles of protection in respect of income security and medical care. These were followed in 1952 by the Social Security (Minimum Standards) Convention (No. 102), which defines minimum standards in respect of nine branches of social security. Conventions Nos. 118 of 1962 and 157 of 1982 provide respectively for equality of treatment between nationals and non-nationals and for the maintenance of rights in respect of the same nine branches of social security. The Conference has also adopted a series of Conventions (supplemented in each case by a Recommendation) which, while revising the pre-war Conventions, have established higher standards than those contained in Convention No. 102 in respect of employment injury benefits (Convention No. 121), invalidity, old-age and survivors' benefits (Convention No. 128) and medical care and sickness benefits (Convention No. 130). The acceptance of the provisions of any of these Conventions by a State which has also ratified Convention No. 102 has the effect of replacing obligations under Convention No. 102 in respect of the corresponding contingency.

6. In the situation outlined above, what kind of consolidation could be contemplated for social security standards? The earlier Conventions, having practically all been revised, ought to be left out of account. One might envisage a Convention bringing together all the Conventions adopted since Convention No. 102 (including that Convention) or a Convention bringing together the higher standards of Conventions Nos. 121, 128 and 130, as a counterpart to the minimum standards established by Convention No. 102. The preparation and

approval of Conventions of this nature - which would be extremely lengthy and complex texts - would require a major effort by the Organisation and its member States. It is not evident that such an operation would yield tangible benefits. Obviously, any consolidation should not lead to the imposition of obligations greater than those resulting from ratification of the existing Conventions, nor reduce the opportunities for flexibility offered by them. Several of the Conventions concerned (Nos. 102, 118, 128, 157) already permit a selective acceptance of their provisions in respect of the various contingencies dealt with, and a similar choice of obligations would have to be permitted under any consolidating Convention. As in any event States should remain free to choose the provisions to be accepted, would there be any advantage in having those provisions in a single, global text rather than in several, clearly delimited instruments? Should countries which are already parties to the existing Conventions be expected to go through the procedures of submission to the competent national authorities and of formal ratification merely for the sake of neatness?

7. Other areas where in theory consolidation might seem attractive, but where in practice problems of a very similar nature to those outlined above would be encountered are occupational safety and health and employment at sea.

8. It may be useful to examine the possibilities of consolidation in an area such as freedom of association. The proposed classification of ILO instruments would list under this heading seven Conventions (Nos. 11, 84, 87, 98, 135, 141, 151) and three Recommendations (Nos. 143, 149 and 159). Although there are certain elements of overlap among the Conventions, none has been formally revised. Any consolidation should not involve the reopening of discussion on the substantive requirements of the existing Conventions. Consequently, one would have to exclude any merging of their provisions into a more compact text. The result would be an instrument bringing together, in distinct parts, the substantive provisions of the earlier Conventions. It would presumably be necessary to permit the acceptance separately of each of those parts, corresponding to the possibility of ratifying the present Conventions individually. The question arises again whether the result would justify the requisite efforts?

9. Having regard to the above-mentioned considerations, it may be desirable to pursue the aim of clarity of presentation of existing standards by simpler, practical measures rather than through a process of consolidation. The classification of existing ILO instruments which the Working Party is in the course of revising is one measure of this kind. Attention is also drawn to the classified guide to international labour standards issued by the Office, and to the fact that in the most recent compilation of Conventions and Recommendations published by the ILO the instruments are arranged by subject-matter, and a number of out-of-date instruments are omitted. It would be useful to prepare a new edition of the International Labour Code (a systematic, annotated compilation of the substantive

provisions of ILO instruments, last published over 30 years ago), but this would be possible only if the requisite resources were made available.

10. A question which has been raised from time to time is whether a procedure should be established for abrogating Conventions which have become obsolete. Theoretically, this would be possible, but it would require formal action by the Conference, at least to establish the procedure, and presumably also in subsequently applying it in specific cases. Here again, the question arises whether simpler, practical measures may not be preferable. Among the measures already taken, mention may be made of the omission of out-of-date texts from ILO publications and from the chart of ratifications, as well as the decisions taken by the Governing Body in the course of 1985 no longer to request detailed reports on a number of Conventions. The latter decisions were made subject to a number of conditions, including the possibility to call for detailed reports again if a change in circumstances should make that course desirable. Arrangements of this nature are not only simpler in their operation than a procedure of formal abrogation; they are also easier to agree upon, because less irrevocable in effect.

II. Discussion in the Working Party

11. Some discussion took place in the Working Party on the questions of consolidation and abrogation in the light of the above-mentioned Note. A summary of that discussion is contained in Appendix I to this report (paragraph 26).

III. Summary of comments received from governments and from employers' and workers' organisations on questions concerning the possibilities of consolidating Conventions and abrogating outdated Conventions

12. Comments on the question of the possibilities of consolidating Conventions are mostly in line with the Note prepared by the Office and with the discussions to which it gave rise in the Working Party in February 1986. The doubts expressed by the Office regarding the possibility of consolidating ILO instruments, having regard to the practical and legal difficulties involved, are shared by the Governments of the Federal Republic of Germany, Kuwait, Pakistan, Sweden, Switzerland and the United Kingdom, by the Swedish Employers' Federation, by the International Confederation of Free Trade Unions, and by the Austrian Congress of Chambers of Labour. The last-mentioned organisation observes that the supposed advantage of consolidating instruments did not justify the cost involved; it might even limit the Office's work to prepare new standards, given the available resources. A different view is put forward by the Governments of Cuba and Cyprus. The former feels that standards

should be consolidated not only to clarify their presentation but also to simplify and improve their application. The latter considers that, despite the practical difficulties, consolidation deserved further consideration.

13. The comments received on this question in general favour the adoption of practical measures to clarify the presentation of instruments. This idea is supported by the ICFTU and by several national trade union organisations (the Australian Council of Trade Unions (ACTU), the Cyprus Workers' Confederation and a Bangladesh trade union organisation (Bangladesh Jatio Sramik League)). The Austrian Congress of Chambers of Labour suggests that one practical measure might be the systematic publication of a collection of texts in the form of loose-leaf pamphlets that can be updated, with a comprehensive index. The Government of the Federal Republic of Germany finds the publication of "International Labour Conventions and Recommendations 1919-1981" adequate to give an overall idea of the instruments that have been adopted and the subject areas they cover. However, the Swedish Employers' Confederation considers that the Office should revert to the previous chronological presentation, supplementing it with a detailed subject index, which would make it easier to update the publication at less cost. The Government of Portugal also supports practical measures, of which the draft classification is an example; it also considers that it would be useful to prepare a new edition of the International Labour Code. A similar view is put forward by the Uruguayan Employers' Committee and by the Government of Switzerland; the latter, however, attaches only relative priority to the publication of the Code in comparison with the ILO's other tasks in the field of standards, in view of budgetary restrictions. The Government of Belgium and the Swedish Employers' Confederation agree with those Government members of the Working Party who had expressed doubts on the preparation of a new edition of the International Labour Code.

14. As regards the possible establishment of a procedure for abrogating Conventions that have become obsolete, the Government of Burundi observes that the value of an instrument has to be appreciated both in terms of place and time, and that it is no easy task purely and simply to eliminate certain Conventions that are thought out of date; it therefore believes that it would be easier to take practical measures rather than establish a procedure for abrogation. The Government of Switzerland agrees with the view of a number of Government and Worker members of the Working Party and of the Office that practical measures, such as the decision of the Governing Body no longer to request detailed reports on a number of outdated Conventions, offer a simpler solution that is also more flexible and less categorical. However, the Government of Sweden feels that further discussion is needed on a procedure for abrogating Conventions; in the view of the Swedish Employers' Confederation, this question might be settled by the adoption of a new Convention on final articles. For the Uruguayan Employers' Committee, any measures other than a formal procedure would be dangerous and illegal. The Government of Switzerland thinks it might be easier to consider

abrogating recommendations that have lost their value: an obvious example would be those that an instrument adopted at a later date states it has "superseded" (as, for example, in the case of the Occupational Health Services Recommendation, 1959, which was superseded by the Occupational Health Services Recommendation, 1985 (No. 171) as stated in paragraph 48 of the latter instrument).

IV. Other practical measures and technical assistance questions

15. Suggestions concerning other practical measures and technical assistance with respect to the adoption and application of standards were made during the Working Party's discussion on general policy and are contained in the comments received from governments and from employers' and workers' organisations on the progress report of the Working Party. These are included in Appendix I to this report.

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INTERNATIONAL LABOUR OFFICE

OFFICIAL BULLETIN

*Vol. LXX**1987**Series A, No. 1*

INFORMATION

234th Session of the Governing Body of the International Labour Office

(Geneva, 17–21 November 1986)

The 234th Session of the Governing Body of the International Labour Office was held from Monday 17 to Friday 21 November 1986, under the chairmanship of Mr. W. R. B. Robinson, (Government representative, United Kingdom), elected Chairman for 1986–87.

The agenda was as follows:

1. Approval of the Minutes of the 233rd Session.¹
2. Date, place and agenda of the 75th (1988) Session of the Conference.
3. Action on the resolutions adopted by the Conference at its 72nd (1986) Session.
4. Record of the Preparatory Technical Maritime Conference (Geneva, 5–16 May 1986).
5. Report of the Meeting of Experts on the Revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), (Geneva, 1–10 September 1986).
6. Report of the Meeting of Experts on the Revision of the ILO Manual of the Industrial Radiation Protection (Geneva, 16–23 September 1986).²
7. Report of the Meeting of Experts on Occupational Safety and Health and Working Conditions Specifications in Transfer of Technology to Developing Countries (Geneva, 30 September–7 October 1986).³
8. Report of the Meeting on Settlement of Labour Disputes in the Public Service (Geneva, 6–10 October 1986).
9. Activities of the International Occupational Safety and Health Information Centre (CIS) in 1985.²

¹ The Governing Body approved the minutes.

² The Governing Body took note of this report.

³ The Governing Body deferred consideration of this report until its 235th Session.

10. Reports of the Committee on Freedom of Association.
11. Reports of the Programme, Financial and Administrative Committee.
12. Report of the Allocations Committee.¹
13. Report of the Committee on Standing Orders and the Application of Conventions and Recommendations.
14. Report of the International Organisations Committee.
15. Report of the Industrial Activities Committee.
16. Report of the Committee on Operational Programmes.²
17. Report of the Committee on Discrimination.
18. Report of the Committee on Multinational Enterprises.
19. Report of the Committee on Employment.
20. International Institute for Labour Studies: Report on the 28th Session of the Board of the Institute.²
21. Composition and agenda of standing bodies and meetings.
22. Symposia, seminars and similar meetings.³
23. Report of the Director-General.
Supplementary reports:
— Appointment of Mr. Jorge Capriata d'Auro as Assistant Director-General.²
— Appointment of the members of the Working Party on Constitutional Amendments concerning Conference Delegations;
— Representation made by the State Federation of Associations of Employees and Workers of the State Administration under article 24 of the ILO Constitution alleging non-observance by Spain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117);
— Representation made by Japanese trade unions under article 24 of the ILO Constitution alleging non-observance by Japan of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96);
— Report of the Committee set up to examine the representation submitted by the National Trade Union Co-ordinating Council (CNS) of Chile under article 24 of the Constitution, alleging non-observance by Chile of international labour conventions Nos. 1, 2, 24, 29, 30, 35, 37, 38 and 111.
24. Programme of meetings.
25. Appointment of Governing Body representatives on various bodies.

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The following is an account of the action taken by the Governing Body on this agenda.⁴

DATE, PLACE AND AGENDA OF THE 75TH (1988) SESSION OF THE CONFERENCE

The 75th (1988) Session of the International Labour Conference is to open on Wednesday, 1 June 1988, in Geneva.

¹ No paper was before the Governing Body on this item.

² The Governing Body took note of this report.

³ The Governing Body took note of the Office paper.

⁴ For a more detailed account see the set of papers and reports examined by the Governing Body, together with the approved minutes of the sittings, which contain a record of how decisions were taken.

Having regard to the standing items which will necessarily be before the Conference and to the items likely to be carried forward from the preceding session, the Governing Body decided that the agenda of the session would be as follows:

Standing items

- I. Reports of the Governing Body and the Director-General.
- II. Programme and budget proposals and other financial questions.
- III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

- IV. Safety and health in construction (*second discussion*).
- V. Employment promotion and social security (*second discussion*).
- VI. Partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107) (*first discussion*).¹
- VII. Rural employment promotion (*general discussion*).

The Conference will also have before it a Special Report on the Application of the Declaration concerning the Policy of Apartheid in South Africa, as updated by the Conference at its 67th (1981) Session.

ACTION ON THE RESOLUTIONS ADOPTED BY THE CONFERENCE
AT ITS 72ND (1986) SESSION²

Resolution concerning the development of preventive and protective measures related to the health risks associated with occupational exposure to fibres, whether natural or artificial

The Governing Body requested the Director-General, when communicating the resolution to the international organisations concerned, to draw the special attention of UNEP and the WHO, as partners in the International Programme on Chemical Safety, to the recommendations to include in the Programme of action on assessment of fibres and preparation for standard setting contained in subparagraphs (a) and (d) of operative paragraph 1, to bear in mind the requests contained in subparagraphs (a) for assessing the health risks of inorganic and organic fibres, (b) for setting up a group of experts and (c) for considering the need for relevant instruments when preparing his future programme and budget proposals, particularly for 1988–89, and the next medium-term plan, and to take into account the recommendation in subparagraph (e) concerning education and training, and to make dissemination of information on the matter a priority concern of the International Occupational Safety and Health Information Centre (CIS).

The Director-General was requested, when communicating the resolution to the governments of member States and, through them, to employers' and workers' organisations, to draw their special attention, as appropriate, to the appeals contained in operative paragraphs 2 and 3.

Resolution concerning the promotion of small and medium-sized enterprises

The Director-General was requested, when communicating the resolution to the governments of member States, and, through them, to employers' and workers'

¹ See also pp. 7 and 17 below.

² For the text of the resolutions, see *Official Bulletin*, 1986, Series A, No. 2.

organisations, to draw their special attention to the second operative paragraph of the resolution and the corresponding section (paragraphs 6 to 23) of the Conclusions relating to national and international action.

The Governing Body took note of the information contained in paragraphs 19 to 35 of the Office paper and requested the Director-General to bear in mind the request contained in operative paragraph 3 of the resolution and the recommendations contained in paragraphs 24 to 39 of the Conclusions when preparing his future programme and budget proposals, particularly for 1988–89, as well as proposals for the agendas of regional conferences and for the next medium-term plan.

*Resolution concerning workers' access to education and the role of the
International Labour Organisation*

The Governing Body—

- (a) requested the Director-General, when communicating the text of the resolution to the governments of member States, to call their special attention to the need for improving existing formal education systems in the sense of allowing a broader access to education and of ensuring their better adaptation to the realities of working life; to the desirability of adopting measures designed to create and develop additional types of non-formal education programmes in co-operation, among others, with employers' and workers' organisations; to the need for developing programmes for pre-school education, compensatory education and comprehensive education; and to the need for specially adapting programmes and curricula for complementary and non-formal education in rural areas, and for promoting the optimal use of facilities and resources provided by employers' and rural workers' organisations, workers' co-operatives and community institutions;
- (b) in order to consider the action necessary for the implementation of the above objectives, requested the Director-General to promote, in collaboration with UNESCO, the holding of a tripartite meeting of representatives of governments and of employers' and workers' organisations;
- (c) requested the Director-General to call the attention of governments to the need for ratifying and embodying in their national policies the international labour instruments dealing with workers' education and training; and to the need for establishing national advisory bodies and for implementing assistance programmes for training and education;
- (d) requested the Director-General to submit to the Governing Body, at an early session, specific proposals concerning action to be taken in order to develop closer collaboration with employers' and workers' organisations, to allocate the necessary financial resources for workers' education activities, and to provide the necessary help and advice to member governments in order to ensure the widest possible ratification and implementation of the Paid Educational Leave Convention, 1974 (No. 140), and the Human Resources Development Convention, 1975 (No. 142);
- (e) requested its Committee on Standing Orders and the Application of Conventions and Recommendations to consider selecting the Paid Educational Leave Convention (No. 140) and Recommendation (No. 148) of 1974 for the submission of reports under article 19 of the ILO Constitution.

Resolution concerning young people

The Director-General was requested, when communicating the resolution to the governments of member States, to draw their special attention to paragraphs 1 to 47 of the conclusions appended thereto and to pay special attention, within the framework of ILO activities, to the guide-lines contained in paragraph 48 of these conclusions.

The Director-General was requested to utilise all means at the disposal of the International Labour Office, in particular its regional structure and regional advisers, including the Turin Centre, to implement programmes for the training and employment of young people along the lines indicated in the Office paper, with reference to the resolution concerning young people adopted in 1986 at the 72nd Session of the Conference.

Resolution concerning development, foreign debt and the social objectives of the International Labour Organisation¹

On a vote by show of hands, by 35 votes in favour, 10 against, with 7 abstentions, the Governing Body:

- (a) took note of the information in the Office paper on the action on the resolution;²
- (b) requested the Director-General, when communicating the resolution to the governments of member States, to draw their special attention to operative paragraphs 1, 2, 3, 4 and 5(c);
- (c) requested the Director-General, when communicating the resolution to the international organisations concerned, to draw their special attention to operative paragraph 5, and particularly to subparagraphs (a) and (b);
- (d) took note of the Director-General's intention to organise a meeting of the Executive Heads of organisations responsible for international financial and economic matters;
- (e) decided to convene the high-level meeting requested in operative paragraph 5(d) of the resolution from 23 to 25 November 1987, with the participation of 20 Government representatives and ten each from employers' and workers' circles appointed by their respective groups, and of the competent international organisations, and with the following single agenda item:
 - Examination, in the light of the ILO's social objectives, of the present world economic situation, and in particular the consequences of international trade, financial and monetary practices on employment and poverty;
- (f) decided to convene a tripartite preparatory meeting for the high-level meeting, from 27 to 29 April 1987, consisting of ten government representatives and five Employer and Worker representatives appointed by their respective groups.

RECORD OF THE PREPARATORY TECHNICAL MARITIME CONFERENCE

(Geneva, 5–16 May 1986)

Action to be taken by the Governing Body on the conclusions of the Conference

Agenda of the 74th (Maritime) Session of the International Labour Conference

The Governing Body—

- (a) noted that the International Labour Conference at its 74th (Maritime) Session would necessarily have before it the Report of the Director-General as the first item on its agenda; and
- (b) decided, in the light of the conclusions adopted by the Preparatory Technical Maritime Conference, that the technical items on the agenda should correspond to

¹ See also p. 15 below.

² GB.234/3/16.

the remaining four items on the agenda of the Preparatory Technical Maritime Conference, as follows:

- II. Seafarers' welfare at sea and in port.
- III. Social security protection for seafarers, including those serving in ships flying flags other than those of their own country.
- IV. Health protection and medical care for seafarers.
- V. Revision of the Repatriation of Seamen Convention, 1926 (No. 23), and of the Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27).

Having noted that the Office intended to send out a brief questionnaire to governments on the specific question of whether fishing vessels and fishermen should be included in the scope of the draft instruments, the Governing Body decided, in accordance with paragraphs 2 and 4(b) of article 38 of the Conference Standing Orders, that a final report (drawn up on the basis of the work of the Preparatory Technical Maritime Conference and of the further information received on the question of possible inclusion of fishing vessels and fishermen in the scope of the draft instruments) should be sent to the governments of member States on agenda items II, IV and V respectively, every effort being made to ensure that these reports reach governments not later than 31 May 1987.

In accordance with paragraphs 3 and 4(a) of article 38 of the Conference Standing Orders, the Governing Body decided that a summary report and a questionnaire on item III should be despatched to the governments of member States by the end of 1986, that governments should be requested to forward their replies so as to reach the Office not later than 15 March 1987, and that the final report should be despatched by the Office so as to reach governments by 31 July 1987; in the latter connection, it noted that the Office would endeavour to advance this deadline to 30 June 1987.

Resolutions adopted by the Preparatory Technical Maritime Conference¹

Resolution concerning the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

The Governing Body requested the Director-General, in convening a general session of the Conference which might be required to consider the adoption of a Protocol incorporating new Conventions in the Appendix to Convention No. 147, to draw the attention of States Members to the request contained in the fourth operative paragraph of the resolution.

As regards the request contained in the fifth operative paragraph, the Governing Body approved the following agenda, which had been proposed by the Director-General in agreement with the leaders of the Shipowners' and Seafarers' groups of the Joint Maritime Commission, for the 25th Session of the Commission, to be convened during the 74th (Maritime) Session of the Conference:

1. Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109), Paragraph 2: Minimum basic wage of able seamen:
 - (a) updating of wage figures;
 - (b) preliminary discussion on possible alternative formulas for revising wage figures.
2. Identification of any possible new Conventions to be added by a Protocol to the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).

The Governing Body took note of the request, in the last operative paragraph of the resolution, to continue to encourage States which had not yet done so to ratify and

¹ For action taken on these resolutions by the International Labour Conference at its 74th (Maritime) Session, see *Official Bulletin*, 1987, Series A, No. 3.

implement the provisions of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and invited the Director-General to address an appeal to this effect to the governments of member States.

*Resolution concerning a reduction
in time intervals between maritime sessions
of the International Labour Conference*

The Director-General was authorised to examine the request in the operative part of the resolution in drawing up future programme proposals.

*Resolution concerning ratification of the
Tripartite Consultation (International Labour Standards) Convention,
1976 (No. 144)*

The Governing Body took note of the request, in the operative part of the resolution, to appeal to all maritime States which had not ratified this Convention to do so without delay and to ensure that those that had observe its provisions, and invited the Director-General to address an appeal to this effect to the governments of member States.

*Resolution concerning improvement in the response by governments
to Office questionnaires on maritime subjects*

The Governing Body took note of the request in the operative part of the resolution and invited the Director-General to consider possible action by the Office in this regard.

REPORT OF THE MEETING OF EXPERTS ON THE REVISION OF THE INDIGENOUS AND
TRIBAL POPULATIONS CONVENTION, 1957 (No. 107)

(Geneva, 1–10 September 1986)

The Governing Body took note of the report of the Meeting of Experts, requested the Director-General to communicate the report to the governments of member States and, through them, to the employers' and workers' organisations concerned, to the intergovernmental organisations concerned and to the non-governmental international organisations having full consultative status, as well as other bodies and organisations concerned, and requested the Director-General to take account of the Meeting's conclusions and recommendations in preparing proposals for future ILO activities.

Having decided to place the partial revision of Convention No. 107 on the agenda of the 75th (1988) Session of the Conference,¹ the Governing Body decided that the revision should be governed by the double-discussion procedure.

Following a detailed discussion on the questions that would be submitted to the Conference for revision, it was understood that, in preparing the relevant reports, the Office would take into account the views expressed in the Governing Body's discussion of this matter.

On the understanding that the question of the composition of Conference delegations was the prerogative of the governments and organisations concerned, the Governing Body agreed on principle that it would be useful if, during the discussion of the revision of Convention No. 107 by the Conference, representatives of indigenous and tribal populations accompanied Government, Employers' and Workers' delegates as advisers.

¹ See also pp. 3 and 17.

REPORT OF THE MEETING ON SETTLEMENT OF LABOUR DISPUTES IN THE PUBLIC SERVICE

(Geneva, 6–10 October 1986)

The Governing Body took note of the report, conclusions and resolution adopted by the Meeting, authorised the Director-General to communicate these texts to the governments of member States, requesting them to communicate them to the employers' and workers' organisations concerned and to the international employers' and workers' organisations concerned, and decided to bear in mind the requests contained in the resolution when considering future ILO action in this field.

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

(246th and 247th reports)

The Governing Body examined and adopted the 246th and 247th reports of its Committee on Freedom of Association.¹

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

Programme and Budget for 1986–87

Potential income shortfalls

The Governing Body endorsed a revised package of programme adjustments amounting to \$17,312,052.

Other financial and general questions

Amendments to the Financial Rules

The Governing Body approved amendments to Financial Rules 10.20 and 11.40 to allow for changes in the purchasing power of dollar amounts last fixed in 1979 and at the same time to bring the Rules into line with actual practice as it has evolved in the ILO and other specialised agencies.

Repairs and alterations to the ILO headquarters building

The Governing Body authorised expenditure of an amount estimated at 593,000 Sw. frs. to be financed from the Building and Accommodation Fund in accordance with article 11.3 of the Financial Regulations.

Personnel questions

Twelfth Annual Report of the International Civil Service Commission

The Governing Body authorised the Director-General to give effect in the ILO, through appropriate amendments to the Staff Regulations, to the measures decided on by the United Nations General Assembly in respect of the Commission's recommendations on the rates of staff assessment for the General Service category from the date decided by the General Assembly, and noted that the Director-General would submit a paper at the 235th (February–March 1987) Session of the Governing Body concerning the problem of the effect of exchange rate fluctuations on the take-home pay of staff in the Professional and higher categories.

¹ The texts of these reports are reproduced in the *Official Bulletin*, Series B.

Pensions questions

Meeting of the Board of the United Nations Joint Staff Pension Fund

The Governing Body, recalling that at its 225th (February–March 1984) Session it had requested the Director-General to communicate to the Pension Board “its strong concern for the future of the Fund, and its earnest hope that measures to remedy the actuarial imbalance of the Fund should not be limited to reductions in benefits, but should also include measures to provide resources by way of increased contributions and by improvements in the long-term real return on the Fund’s investments”—

- (a) noted the conflicting views of the ICSC and the Pension Board on pensionable remuneration for the Professional and higher categories and the views expressed by the ACC;
- (b) expressed the hope that more time would be allowed by the General Assembly for reviewing this issue and achieving a reconciliation between these views that would result in a joint recommendation; and
- (c) requested the Director-General to submit a further paper on this matter at the 235th (February–March 1987) Session of the Governing Body, on the basis of the discussion of the matter at the 41st Session of the General Assembly and any decision(s) the latter might take thereon.

Matters relating to the Administrative Tribunal of the ILO

Progressive harmonisation and further development of the Statutes and Rules of the Administrative Tribunals of the ILO and the United Nations

The Governing Body decided that—

- (a) the preliminary position expressed by the Working Party on the Harmonisation of the Statutes of the Administrative Tribunals concerning the different amendments should, if necessary and in the most appropriate manner, be brought to the notice of the General Assembly at its present session; and
- (b) the Working Party should be invited to resume its work at the February–March 1987 Session in order to take into account any developments which might have taken place at the General Assembly, with a view to making, as necessary, definitive recommendations to the Programme, Financial and Administrative Committee and the Governing Body.

Extension to all officials concerned of judgements to be rendered by the ILO Administrative Tribunal

The Governing Body authorised the Director-General to apply the decision which the Administrative Tribunal would render in the two series of complaints on the questions of post adjustment and pensionable remuneration to all officials in the same legal position as the complainants in those cases.

REPORT OF THE COMMITTEE ON STANDING ORDERS AND THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

Standing Orders

Follow-up of the Conference discussion on international labour standards

Procedure for fixing the Conference agenda

Consultation of Members

The Governing Body decided, when fixing the agenda of future regional meetings, to request the Director-General to include in the reports prepared for such meetings a

section drawing attention to the subjects for new and revised standards in the classification adopted by the Governing Body, and inviting the regional meeting to provide indications as to the subjects to which it attached priority, for the guidance of the Governing Body.

Timing of Governing Body discussions on the Conference agenda

The Governing Body decided that the present timetable for Governing Body discussions on the Conference agenda should be maintained.

Procedure for the adoption of standards

Consultation of employers' and workers' organisations

The Governing Body decided to propose to the Conference that it amend article 38, paragraph 1, and article 39, paragraphs 1, 2 and 6, of its Standing Orders with a view to ensuring that governments consult the most representative organisations of employers and workers at all stages of the procedure for the adoption of standards.¹

Inclusion of summaries of replies from employers' and workers' organisations in Conference reports

The Governing Body decided to propose to the Conference that it amend article 38, paragraph 2, and article 39, paragraphs 3, 6 and 7, of the Conference Standing Orders by replacing the words "on the basis of the replies from the governments" with the words "on the basis of the replies received".¹

Decision on the form of instruments

The Governing Body decided to propose to the Conference that it insert a new paragraph between paragraphs 1 and 2 of article 40 of the Conference Standing Orders in the following terms: "When the Conference has referred to a committee the text of a Recommendation only, a decision by the committee to propose a Convention to the Conference for adoption (in place of or in addition to the Recommendation) shall require a two-thirds majority of the votes cast", a consequential amendment being made to article 65, paragraph 1.¹

Payment of expenses of tripartite delegations to regional conferences

The Governing Body decided to amend article 1 of the *Rules concerning the Powers, Functions and Procedure of Regional Conferences Convened by the International Labour Organisation*, by adding to paragraph 3 a sentence stating that acceptance by a State or territory of an invitation to be represented at a regional conference implies that it assumes responsibility for the travel and subsistence expenses of its tripartite delegation. The amendment would be submitted to the General Conference for confirmation.¹

REPORT OF THE INTERNATIONAL ORGANISATIONS COMMITTEE

Recent events in the United Nations system

Report of the Meeting of the Joint IMO/ILO Committee on Training

The Governing Body took note of the report of the Joint IMO/ILO Committee on Training on its seventh session, authorised the Director-General to approve on behalf

¹ For action taken by the International Labour Conference at its 73rd Session on these proposals, see *Official Bulletin*, 1987, Series A, No. 2.

of the ILO the revised text of the IMO/ILO Document for Guidance, 1975, and noted that the Director-General intended to enter into consultation with the Director-General of the World Health Organization and the Secretary-General of the International Maritime Organization concerning the question of publishing syllabi on the training of seafarers in medical care on board ship, including refresher training for seafarers in charge of such care.

REPORT OF THE INDUSTRIAL ACTIVITIES COMMITTEE

Programme of Industrial Meetings, 1988–89

Agendas of major meetings

The Governing Body determined the agendas of the Committee on Work on Plantations (Ninth Session), the Metal Trades Committee (Twelfth Session), the Hotel, Catering and Tourism Committee (First Session), the Fifth Tripartite Technical Meeting for Mines Other than Coal Mines and the Third Tripartite Technical Meeting for the Printing and Allied Trades as follows:

Committee on Work on Plantations (Ninth Session)

1. General Report.
2. Conditions of employment and work on plantations including the provision of basic needs with special reference to seasonal workers, women and young workers.
3. The role of the plantations sector in rural development, with special reference to questions of employment.

Metal Trades Committee (Twelfth Session)

1. General Report.¹
2. Productivity and new production processes in the metal trades and their effect on employment and conditions of employment.
3. Young workers in the metal trades.

Hotel, Catering and Tourism Committee (First Session)

1. General Report.
2. Conditions of work in the hotel, catering and tourism sector, such as hours of work, methods of remuneration, security of employment.
3. Productivity and training in the hotel, catering and tourism sector.

Fifth Tripartite Technical Meeting for Mines Other than Coal Mines

1. General Report.
2. Conditions of work and related legal protection in mines other than coal mines.
3. New work processes in mines other than coal mines, their effects on employment and training requirements and the need for employment and social policies to cope with these developments.

Third Tripartite Technical Meeting for the Printing and Allied Trades

1. General Report.
2. Security of employment and income in the light of structural and technological change in the printing and allied trades, having regard to other media.
3. Conditions of work in the printing and allied trades.

¹ It being understood that the question of occupational safety and health will be covered in the General Report.

Selection of smaller meetings

In addition to the three smaller industrial meetings selected at the 233rd Session (May–June 1986) for the 1988–89 biennium,¹ the Governing Body decided to take into account the following smaller industrial meetings in order of priority when establishing the programme of industrial meetings for the 1988–89 biennium:

4. Meeting of Experts on Occupational Safety in the Forestry and Wood Industries; and
5. Tripartite Meeting on Conditions of Employment and Work of Journalists.

Agenda of the Fourth Session of the Joint Committee on the Public Service

The following agenda was approved for the Fourth Session of the Joint Committee on the Public Service:

1. General Report.
2. Joint consultation, negotiating and collective bargaining rights with regard to determining pay and conditions of employment in the public sector.
3. Social security, including social protection of public employees in respect of invalidity, retirement and survivors' benefits.

Strengthening the effectiveness of Industrial Committee-type meetings

Establishment of reserve lists of countries to be invited to Standing Industrial and analogous Committees

The Governing Body decided that—

1. reserve lists should be established, on a trial basis, for the Building, Civil Engineering and Public Works Committee (Eleventh Session), the Coal Mines Committee (Twelfth Session) and the Chemical Industries Committee (Tenth Session); and
2. the following countries should be placed on those lists for the regions to which they belonged in order of priority:
 - (a) Building, Civil Engineering and Public Works Committee (Eleventh Session): *Africa*: Egypt, Kenya; *Americas*: Argentina, Peru; *Asia*: Australia; *Europe*: Bulgaria, Portugal;
 - (b) Coal Mines Committee (Twelfth Session): *Americas*: Mexico, Chile; *Europe*: France, Greece;
 - (c) Chemical Industries Committee (Tenth Session): *Africa*: Tunisia; *Americas*: Mexico, Chile; *Asia*: Indonesia; *Europe*: Hungary, Portugal.

Harmonisation of Standing Orders of Joint Committees

The Governing Body decided to refer the draft document on *Purposes and Functions of Joint Committees* and the draft document on *Standing Orders for Joint Committees* to its Committee on Standing Orders and the Application of Conventions and Recommendations for consideration and approval.

Composition of the Tripartite Meeting on Salaried Authors and Inventors

The Governing Body—

- (a) decided that the Tripartite Meeting on Salaried Authors and Inventors should be composed of 45 members: 15 representing the 15 member States of the ILO chosen

¹ Joint Committee on the Public Service (Fourth Session); Panel of the Advisory Committee on Rural Development; Meeting of Experts on Conditions of Employment and Work of Firemen.

for this purpose by the Governing Body, 15 representing Employers appointed by the Governing Body on the basis of nominations made by the Director-General after consulting the Employers' group and 15 representing Workers appointed by the Governing Body on the basis of nominations made by the Director-General after consulting the Workers' group;

- (b) authorised the Director-General to invite the Governments of the 15 following countries to send representatives to the Tripartite Meeting on Salaried Authors and Inventors: Argentina, Brazil, Côte d'Ivoire, Egypt, France, Federal Republic of Germany, India, Italy, Japan, Mexico, New Zealand, Sweden, USSR, United States and Zaire;
- (c) set the deadline for acceptance of invitations at 30 April 1987;
- (d) approved the following reserve list: *Africa*: Algeria, Zambia; *Americas*: Canada, Venezuela; *Asia*: Australia, China; *Europe*: Hungary, Norway.

Tenth Session of the Petroleum Committee¹

Effect to be given to the conclusions and resolutions of the Committee

The Director-General was authorised—

- (a) to communicate the texts adopted by the Petroleum Committee at its Tenth Session to governments, informing them that the Governing Body had taken note of the texts and requesting them to communicate these to the employers' and workers' organisations concerned, and to the international organisations of employers and workers concerned; and
- (b) to draw the special attention of governments and, through them, that of the employers' and workers' organisations concerned, as well as that of the international employers' and workers' organisations concerned, to the report and Conclusions (No. 75) concerning occupational safety and health and the working environment in the petroleum industry, and the report and Conclusions (No. 76) concerning manpower planning and development in the petroleum industry.

Effect given to the conclusions and resolutions adopted at the previous sessions of the Petroleum Committee

The Director-General was requested—

- (a) to draw the attention of governments and, through them, that of the employers' and workers' organisations concerned, as well as that of the international employers' and workers' organisations concerned, to the conclusions and resolutions mentioned in section I, group C, of the Classification adopted by the Committee; and
- (b) when planning the future programme of work of the Office, to continue to bear in mind the wishes expressed by the Petroleum Committee in the conclusions and resolutions listed in section II, Group B, of the Classification, with a view to giving effect to the requests contained therein and addressed to the Office.

Occupational safety and health and the working environment in the petroleum industry

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Petroleum Committee in paragraphs 24 to 28 of Conclusions No. 75.

¹ For the text of the conclusions and resolutions adopted by the Committee, see below, p. 59.

Manpower planning and development in the petroleum industry

The Director-General was requested, when planning the future programme of the work of the Office, to bear in mind the wishes expressed by the Petroleum Committee in paragraphs 17 and 18 of Conclusions No. 76

Labour migration in the petroleum industry

The Director-General was requested, when communicating to governments the texts adopted by the Petroleum Committee, to draw their attention to the wishes expressed by the Committee in the operative paragraph of Resolution No. 77, and when drawing up the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraphs (a), (b) and (c) of that resolution.

Multinational enterprises in the petroleum industry

The Governing Body decided to bear in mind the wishes expressed by the Committee in paragraphs 1 and 2 of the operative part of Resolution No. 78 and requested the Director-General, when drawing up the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraph 3 of that resolution.

Future work of the International Labour Organisation in the petroleum sector

The Governing Body decided to bear in mind the wishes expressed by the Committee in paragraphs (a) to (c) of Resolution No. 79.

Freedom of association in the petroleum industry

The Governing Body decided to bear in mind the wishes expressed in paragraphs (a) to (c) of Resolution No. 80 and requested the Director-General, when communicating to governments the texts adopted by the Petroleum Committee, to draw their attention to the wishes expressed by the Committee in those paragraphs.

Present situation in the petroleum industry and its consequences on the workers

The Director-General was requested, when communicating to governments the texts adopted by the Petroleum Committee, to draw to their attention the wishes expressed by the Committee in paragraphs (a) and (b) of the operative part of Resolution No. 81, and when drawing up the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraph (c) of that resolution.

Eleventh Session of the Building, Civil Engineering and Public Works Committee

The Director-General was authorised to invite nine *non-governmental international organisations* to be represented by observers at the Eleventh Session of this Committee.

Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services

The Director-General was authorised to invite four *non-governmental international organisations* to be represented by observers at this Joint Meeting.

REPORT OF THE COMMITTEE ON DISCRIMINATION

Application of the Declaration concerning the Policy of Apartheid in South Africa

The Governing Body decided that—

- (a) a tripartite working group of three members should be appointed to prepare the necessary material to facilitate the monitoring task of the Conference Committee on Apartheid;
- (b) the working group should be composed of the Committee's Officers, with substitute members being nominated by the Committee to assume the duties of the titular members in the event that they were unable to fulfil their mandate;
- (c) the working group should meet one day before the main Committee meetings in advance of the 235th (February–March 1987) Session of the Governing Body to establish its procedures of work based on the discussions in the Committee and report to a meeting of the Committee on Discrimination convened for that purpose during that session;
- (d) the working group should hold its first substantive meeting before the 236th (May 1987) Session of the Governing Body and report to the Committee on Discrimination.

Report of the tripartite evaluation mission on technical co-operation projects under the ILO's anti-apartheid programme

The Governing Body decided—

- (a) to express its deep gratitude to the governments of the countries visited, to the national organisations of employers and workers and to the national liberation movements concerned for the excellent facilities placed at the disposal of the mission and for the cordial welcome extended to its members during their visits;
- (b) to request the Director-General to take account of the findings and recommendations of the mission in his proposals for the future development of the ILO's anti-apartheid programme, bearing in mind also the discussion on the subject that would take place at the Eighth Session of the African Advisory Committee.

REPORT OF THE COMMITTEE ON MULTINATIONAL ENTERPRISES

Follow-up and promotion of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

The Governing Body endorsed the report of the *Working Group entrusted with analysing the government reports* and invited the Director-General to circulate it, together with the summary of replies received, to all member States of the ILO and through them to employers' and workers' organisations.

REPORT OF THE COMMITTEE ON EMPLOYMENT

Adoption of the agenda

In taking note of this section of the report, the Governing Body noted that the Committee had decided that item 2, Action on the resolution concerning development, foreign debt and the social objectives of the ILO, adopted by the Conference at its 72nd (1986) Session, should be deleted from its agenda and referred to the Governing Body.¹

¹ See p. 5 above

Terms of reference of the Committee and organisation of its work

The Governing Body—

- (a) subject to the reservations expressed and on the understanding that the terms of reference would be subject to review at a future meeting, adopted the following terms of reference for the Committee on Employment:
 - (i) to review the employment situation in the world, with special reference to developing countries, including factors affecting the supply and demand of labour;
 - (ii) to assess the impact of national and international policies and practices on employment levels and job creation, with special reference to their labour and social aspects;
 - (iii) to review and make recommendations on ILO activities in the field of employment, taking into account the work of the relevant specialised bodies of the ILO such as the Advisory Committee on Rural Development and the Advisory Committee on Technology;
- (b) adopted the following agenda for the Committee's next meeting, to be held at the November 1987 Session of the Governing Body:
 - 1. Overview of the employment situation in the world.
 - 2. Review and assessment of the activities of the ILO in the field of employment.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS

Standing bodies

Committee of Experts on the Application of Conventions and Recommendations: Composition

The Governing Body reappointed, for a period of three years, the following members of the Committee: Mr. Prafullachandra Natvarlal Bhagwati (*India*); Sir William Douglas (*Barbados*); Mr. Arnold Gubinski (*Poland*); and Mr. José María Ruda (*Argentina*).

The Director-General was asked to convey to Sir Adetokunbo Ademola its deep gratitude for his distinguished services to the ILO over the past 24 years.

Advisory Committee on Rural Development

The Governing Body appointed the following persons as *Government members* of the Advisory Committee on Rural Development, for a period expiring on 31 December 1989: Mr. Mouloud Amrani (*Algeria*); *Substitutes*: Mr. H. Fankam (*Cameroon*) and Ms. E. Guiza (*Philippines*).

Panel of Consultants on Workers' Education

On the basis of nominations from its *Workers' group*, the Governing Body appointed 45 persons as members of the Panel of Consultants on Workers' Education for a period of five years, beginning on 1 December 1986.

Meetings

Meetings held since the last session of the Governing Body

The Governing Body noted that, in accordance with the decisions of its Officers, the Director-General had taken appropriate action in respect of the following nominations and requests for representation which had been received since its last session:

Meeting of Experts on the Revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107) (Geneva, 1–10 September 1986)

The Director-General received one nomination made after consulting the *Government* concerned and one nomination made after consulting the *Workers' group*.

Meeting of Experts on the Revision of the ILO Manual of Industrial Radiation Protection (Geneva, 16–23 September 1986)

The Director-General received one nomination made after consulting the *Workers' group*.

Requests to be represented by observers at this meeting were received from two *non-governmental international organisations*.

Meeting of Experts on Occupational Safety and Health and Working Conditions Specifications in the Transfer of Technology to Developing Countries (Geneva, 30 September–7 October 1986)

Requests to be represented by observers at this meeting were received from two *non-governmental international organisations*.

Meeting on Settlement of Labour Disputes in the Public Service (Geneva, 6–10 October 1986)

The Director-General received six *government nominations*.

A request to be represented at this meeting was received from one *non-governmental international organisation*.

Forthcoming meetings

Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services (Geneva, 5–13 May 1987)

The Governing Body approved four nominations of members made after consulting the *Employers' group*, and 17 nominations of members and 13 nominations of substitutes made after consulting the *Workers' group*.

Meeting of Experts on Harmful Substances in Work Establishments (Geneva, 5–13 May 1987)

The Governing Body approved two nominations of experts and one nomination of a substitute made after consultations with *governments*, five nominations of experts made after consulting the *Employers' group*, and five nominations of experts and three nominations of substitutes made after consulting the *Workers' group*.

Tenth Session of the Joint ILO/WHO Committee on Occupational Health (Geneva, 1–7 September 1987)

The Governing Body approved two nominations of members made after consulting the *Employers' group*.

REPORT OF THE DIRECTOR-GENERAL

Obituary

The Governing Body was informed of the death of eight personalities who had been closely associated with the work of the ILO. It paid tribute to their memory and asked the Director-General to convey its sympathy to the governments of their countries or their organisations and to their families.

Mr. Koh Yoshino who for seven consecutive sessions of the International Labour Conference, from 1979 to 1985, had headed the Japanese Employers' delegation; *Mr. Isidoro Ruiz Moreno* who had been a member of the ILO's Committee of Experts on the Application of Conventions and Recommendations from 1957 to 1974; *Mr. Zvi Bar-Niv* who had represented the Government of Israel from 1949 to 1957 and in 1960–61 at sessions of the International Labour Conference, had been Chairman of the Conference Committee on the Application of Conventions and Recommendations in 1956, and had been a deputy member of the Governing Body from 1961 to 1962; *Mr. José González Navarro* who over a 20-year period, from 1963 to 1983, had successively been Worker substitute, deputy and regular member of the Governing Body. He had also represented the workers of Venezuela at the International Labour Conference for a number of years; *Mr. Jagjivan Ram*, who had been Minister of Labour of India from 1946 to 1952, and presided over the first ILO Asian Regional Conference, which was held in New Delhi in 1947, and had been elected President of the 33rd Session of the International Labour Conference; *Lord Cyril Plant* who had represented United Kingdom workers at the Conference from 1965 to 1977 and served as a regular Worker member of the Governing Body from 1969 until his retirement in 1977; *Judge Charles E. Wyzanski* who, from 1945 to 1955 had been the first United States member of the Committee of Experts on the Application of Conventions and Recommendations. In 1935 he had represented the Government of the United States at the 71st and 72nd Sessions of the Governing Body. From 1947 to 1953 Charles Wyzanski had served as deputy, then titular judge of the ILO Administrative Tribunal; *Mr. Hideo Kitahara* who from 1970 to 1975 had been Permanent Representative of Japan to the ILO, during which time he had also served on the Governing Body, and as his country's Government delegate at a number of Conference sessions.

Composition of the Governing Body, Governing Body committees and various bodies

Composition of the Governing Body

The Governing Body noted that, in accordance with article 5(5) of the Standing Orders, the Workers' group had made the following appointments until the next Governing Body elections: Mr. James Baker to replace Mr. Irving Brown (Worker member, *United States*) and Mr. Laouali Moutari to replace Mr. Abdoulaye Mohamed (deputy Worker member, *Niger*), Mr. Brown and Mr. Mohamed having resigned.

The Governing Body also noted that, in accordance with article 5(5) of the Standing Orders, the Employers' group had made the following appointments until the next Governing Body elections: Mr. Tsujino to replace Mr. Yoshino (Employer member, *Japan*); Miss A. M. Mackie to replace Mr. Flunder (Employer member, *United Kingdom*), who had resigned with effect from the end of the 234th session.

Composition of Governing Body committees and various bodies

The Governing Body noted that the above-mentioned new appointees would replace their predecessors on the Governing Body committees and other bodies of which the latter were members or substitute members.

The Governing Body further noted that Mr. Brillinger (deputy Employer member, *Canada*) would henceforth be a regular member of the Committee on discrimination.

The proposal of the Government group to include in the list of regular members of the Committee on Employment the Governments of *Cuba* and of *India* was endorsed.

Appointment of the members of the Working Party on Constitutional Amendments concerning Conference Delegations

The Governing Body appointed the members of the Working Party as follows:

Government members

Algeria	Thailand
Ethiopia	USSR
Finland	United States
Iraq	Venezuela

Employer members

Mr. Durling	Mr. Brillinger
Mr. Lindner	Mr. Georget
Mr. Nasr	Mr. von Holten
Mr. Said	Mr. Tsujino

Substitutes

Worker members

Mr. Ali Ibrahim	Mr. Adiko
Mr. Baldassini	Mr. Mercier
Mr. Mehta	Mr. Svenningsen
Mr. Muhr	Mr. Timmer

Substitutes

Representation made by the State Federation of Associations of Employees and Workers of the State Administration under article 24 of the ILO Constitution alleging non-observance by Spain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

The Governing Body, having considered the report of its Officers, decided that the representation was receivable, and set up a committee with the following composition to examine it:

<i>Government member:</i>	Mr. Ducray (<i>France</i>)
<i>Employer member:</i>	Mrs. H. Sasso-Mazzufferi
<i>Worker member:</i>	Mr. Baldassini

Representation made by Japanese trade unions under article 24 of the ILO Constitution alleging non-observance by Japan of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)

The Governing Body, having considered the report of its Officers, decided that the representation was receivable, and set up a committee with the following composition to examine it:

<i>Government member:</i>	Mrs. Caron (<i>Canada</i>)
<i>Employer member:</i>	Mr. von Holten
<i>Worker member:</i>	Mr. Maier

Report of the Committee set up to examine the representation submitted by the National Trade Union Co-ordination Council (CNS) of Chile under article 24 of the Constitution, alleging non-observance by Chile of international labour Conventions Nos. 1, 2, 24, 29, 30, 35, 37, 38 and 111¹

The Governing Body approved the report of the Committee, and in particular the conclusions contained in paragraph 185(a) thereof, and declared the procedure closed.

¹ The text of this report is reproduced in the *Official Bulletin*, Series B.

PROGRAMME OF MEETINGS

Programme for 1987

Programme adjustments

The Governing Body noted that under the programme adjustments endorsed by the Governing Body¹ the following meetings, which had been scheduled for 1987, had been postponed to a later date: Coal Mines Committee (Twelfth Session), Committee on Conditions of Work in the Fishing Industry, Advisory Committee on Rural Development (Eleventh Session) and Tripartite Symposium on Working Time Issues in Industrialised Countries.

Programme for the remainder of 1986 and for 1987

The Governing Body approved the following programme of meetings:

Date	Title of meeting	Place
1986		
3-11 December	Iron and Steel Committee (Eleventh Session)	Geneva
1987		
28 January- 3 February	African Advisory Committee (Eighth Session)	Yaoundé, Cameroon
16 February- 6 March	235th Session of the Governing Body and its Committees	Geneva
12-26 March	Committee of Experts on the Application of Conventions and Recommendations	"
1-9 April	Building, Civil Engineering and Public Works Committee (Eleventh Session)	"
27-29 April	Tripartite Preparatory Meeting on Employment and Structural Adjustment	"
5-13 May	Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services	"
5-13 May	Meeting of Experts on Harmful Substances in Work Establishments	"
25-30 May	236th Session of the Governing Body and its Committees	"
3-24 June	73rd Session of the International Labour Conference	"
Immediately after the Conference	237th Session of the Governing Body	"
1-7 September	Joint ILO/WHO Committee on Occupational Health (Tenth Session)	"
15-22 September	Fourth European Regional Conference	"
30 September- 15 October	74th (Maritime) Session of the International Labour Conference	"
During the 74th Session of the Conference	Joint Maritime Commission (25th Session)	"
28 October- 6 November	Fourteenth International Conference of Labour Statisticians	"
9-20 November	238th Session of the Governing Body and its committees	"
23-25 November	High-Level Meeting on Employment and Structural Adjustment	"
24 November- 2 December	Tripartite Meeting on Salaried Authors and Inventors	"
2-10 December	Third Tripartite Technical Meeting for the Clothing Industry	"

¹ See p. 8.

APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

Eighth Session of the African Advisory Committee (Yaoundé, 28 January–3 February 1987)

In addition to its Chairman, the Governing Body appointed the following delegation:

<i>Government member:</i>	Mr. Vargas (<i>Nicaragua</i>)
<i>Employer member:</i>	Mr. Oechslin
	<i>Substitute:</i> Miss Hak
<i>Worker member:</i>	Mr. Mercier

Eleventh Session of the Building, Civil Engineering and Public Works Committee (Geneva, 1–9 April 1987)

The Governing Body appointed the following delegation:

<i>Government member and Chairman of the Committee</i>	Mr. Haase (<i>Federal Republic of Germany</i>)
<i>Employer member:</i>	Mr. Pierides
<i>Worker member:</i>	Mr. Youcef Briki

Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services (Geneva, 5–13 May 1987)

The Governing Body appointed the following delegation:

<i>Government member:</i>	Mr. Joedanagoro (<i>Indonesia</i>)
<i>Employer member:</i>	Mr. Nasr
<i>Worker member:</i>	Mr. Sudono

Official Measures Taken regarding Decisions of the International Labour Conference¹

Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986²

Ratifications and Acceptance

The ratifications by Grenada and by Jordan and the acceptance by Malawi of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986, have been communicated to the Director-General of the International Labour Office in accordance with Article 3 of the above-mentioned Instrument and were received on 6 and 21 January 1987 and on 16 February 1987 respectively.

¹ Period covered: 1 January 1987 to 31 March 1987.

² For the text of this Instrument, see *Official Bulletin*, 1986, Series A, No. 2, page 60.

Ratifications of International Labour Conventions and Declaration concerning the Application of Conventions to Non-Metropolitan Territories

Notice is hereby given that the Director-General of the International Labour Office has registered the undermentioned ratifications of international labour Conventions and a declaration concerning the application of a Convention to a non-metropolitan territory. In pursuance of article 20 of the Constitution of the International Labour Organisation, particulars of these ratifications and declarations have been communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

State	Convention	Date of registration of ratification/declaration	Date on which ratification/declaration will take effect
I. Ratifications			
Argentina	Labour Relations (Public Service) Convention, 1978 (No. 151)	21 January 1987	21 January 1988
Cape Verde	Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	18 February 1987	18 February 1987
Greece	Nursing Personnel Convention, 1977 (No. 149)	17 March 1987	17 March 1988
Iraq	Guarding of Machinery Convention, 1963 (No. 119)	6 March 1987	6 March 1988
	Hygiene (Commerce and Offices) Convention, 1964 (No. 120)	"	"
Mexico	Occupational Health Services Convention, 1985 (No. 161)	17 February 1987	17 February 1988
II. Declaration			
Netherlands	Minimum Age Convention, 1973 (No. 138)		
	<i>Applicable without modification: Aruba</i>	24 March 1987	24 March 1987
	<i>The minimum age of 14 years has been specified pursuant to Article 2, paragraphs 1 and 4 of the Convention.</i>		
	<i>This declaration supersedes a declaration of application without modification registered on 18 February 1986.</i>		

**Notification of the Coming into Force of the Occupational Health Services
Convention, 1985 (No. 161)**

Article 18 of the Occupational Health Services Convention, 1985 (No. 161), adopted by the International Labour Conference at its 71st Session on 26 June 1985, provides that the Convention shall come into force 12 months after the date on which the ratifications of two Members of the International Labour Organisation have been registered.

The ratifications by Sweden and Mexico were registered by the Director-General of the International Labour Office on 1 July 1986 and 17 February 1987 respectively. The Convention will accordingly come into force on 17 February 1988.

The present notification is made in accordance with the provisions of Article 20 of the Convention.

In conformity with article 20 of the Constitution of the International Labour Organisation, this Convention will be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations.

DOCUMENTS

Tenth Asian Regional Conference

(Jakarta, 4–13 December 1985)

CONCLUSIONS AND RESOLUTIONS ADOPTED

Conclusions on the discussion of Part 2 of the Director-General's Report (Application of ILO Standards)

1. The Conference had an extensive discussion on international labour standards, based on Part 2 of the Report of the Director-General, which was a follow-up of the examination of the subject by the Asian Advisory Committee at its 18th Session (Geneva, 1983).

2. By its consideration of the subject, the Conference concluded the fourth regional review of the application of ILO standards, in accordance with the procedure initiated by the Asian Advisory Committee in 1970. The review also covered for the first time the position in respect of 11 West Asian Countries.

3. The discussion dealt with various aspects of interest and concern to countries of the region bearing on the two basic issues of formulation and implementation of ILO standards, including promotional activities in these two areas.

4. The standard-setting activities of the ILO and its supervisory procedures remain the cornerstone of ILO action for the promotion of human rights and social justice. International labour standards should be a means by which the ILO can promote harmonious economic and social development with full respect for basic freedoms. International labour standards are important for the improvement of living and working conditions and the advancement of human rights on a universal basis, and for ensuring that the social dimensions of economic development are not forgotten.

5. Universality is a key principle for ILO standards. In the formulation of standards appropriate flexibility should accordingly be introduced, to take account of the diversity of economic and social conditions in member countries at different levels of development. This flexibility should not apply to basic freedoms and rights. The basic protection for safety and health at work must also be ensured.

6. For ILO standards to respond to the needs of the entire membership, effective participation of developing countries in all stages of the standard-setting process should be promoted. The need was stressed for fuller tripartite consultation of member countries as well as within and between these countries, at the national, regional and subregional levels, and for appropriate strengthening of tripartite machinery on the lines of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The setting up of units or focal points in employers' and workers' organisations to deal with questions relating to ILO standards would be of value. Reference was made in this respect to measures recommended in previous conclusions of the Asian Advisory Committee and the Asian Regional Conference, as well as to suggestions made by seminars on standards, in particular, the tripartite Regional Seminar on Procedures and Practices in Formulating ILO Standards (Bangkok, 1982) and the Fourth Asian and Pacific Regional Seminar on National and International Labour Standards (Manila, 1984).

7. In this connection, particular emphasis was placed on the importance of replying to ILO questionnaires and the need to finance tripartite conference delegations from the least-developed countries through the ILO's regular budget.

8. The Conference noted that a slowing down of the pace of standard-setting was urged but that the Workers' group considered that there remained much scope for the adoption of new or revised standards.

9. While the essential importance of objective and impartial supervision was stressed, the Conference noted the call made by some governments for the Committee of Experts on the Application of Conventions and Recommendations to take into account the economic and

social conditions of developing countries. It noted in this connection that the ILO supervisory bodies regularly take into consideration difficulties encountered by governments. Ratified Conventions must be fully applied. Given the universality of standards, the criteria utilised for the supervision of their observance should also be universal.

10. The Conference noted that the ratification figures for the region as a whole remained low. Attention was called in this respect to endeavours made in improving or adjusting national conditions in keeping with objectives of Conventions, and in incorporating them in national legislation and practice.

11. While ratification is not an end in itself, it remains vitally important as a voluntary act on the part of member States to commit themselves to implement the Conventions they have ratified. The conference noted the call made for further efforts from Asian member States with regard to the ratification of Conventions, and especially the 18 Conventions selected for regional review. Particular emphasis was placed on the basic instruments on freedom of association, Conventions Nos. 87 and 98, and on Convention No. 144 on tripartite consultation. Technical co-operation should assist in the implementation and further ratification of ILO standards.

12. The Conference strongly endorsed the ILO's action to promote tripartite participation of member countries in the setting of standards and their implementation. All appropriate ILO assistance to governments and to employers' and workers' organisations should be pursued and developed, with particular attention to the need for translation of texts into national languages for wider dissemination and knowledge of ILO standards, the appropriate briefing at seminars and at the International Labour Conference on agenda items and procedures for standard-setting. Recourse should also be had to other forms of assistance and promotional action, such as direct contacts, advisory missions and services, briefing of external offices and field experts. The effective involvement of employers' and workers' organisations in these efforts would be useful.

13. In view of the universal relevance of ILO standards, countries in the Asian and Pacific region which are not yet members of the ILO should be encouraged to join the Organisation as early as possible. This will enhance the universality of the ILO as well as widen the application of international labour standards throughout the region, thus promoting the welfare of the people in the countries concerned.

14. The Conference considered that regional reviews of the application of ILO standards constituted a valuable means of assessing the issues and position within the region and also of contributing to their assessment and solution for the entire membership. The practice of regional reviews should be regularly continued at future sessions of the Asian Advisory Committee and future Asian regional conferences and, where appropriate, as a separate item on their agendas.

Resolution concerning international labour standards

The Tenth Asian Regional Conference of the International Labour Organisation,
Having met in Jakarta from 4 to 13 December 1985,

Considering that international labour standards, in their various forms, and especially those relating to fundamental human rights, have been and continue to be of vital importance to the attainment of the International Labour Organisation's objectives,

Recognising that international labour standards should be a means by which the International Labour Organisation can promote harmonious economic and social development with full respect for basic freedoms,

Noting that the value of standards adopted by the International Labour Conference depends first of all on their universality and that wide support from each of the three constituent groups of the International Labour Organisation significantly enhances their effectiveness,

Considering that in order to achieve universality standards must take account of the varying conditions in the member States of the International Labour Organisation, but that standards once adopted must be strictly construed and applied everywhere in the same manner,

Considering therefore that Conventions should contain basic principles and standards clearly expressed and that Recommendations and other types of instruments are more appropriate for more detailed provisions,

Noting that while the body of the international labour standards adopted so far adequately covers the major areas of interest to the International Labour Organisation, a number of Conventions suffer from a lack of sufficient ratification and application owing to their being not adopted to present social and economic conditions,

Recognising therefore the urgent need to revise Conventions that are no longer appropriate,

Recognising the valuable work done by the International Labour Office to promote international labour standards through technical co-operation with, and assistance to, governments and employers' and workers' organisations in the Asian and Pacific region,

Noting that Asian and Pacific member States of the International Labour Organisation have ratified far fewer Conventions than the States of other regions, especially as concerns the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144),

Recalling the resolution relating to standards adopted at the Eighth Asian Regional Conference (1975) and the conclusions relating to the application of standards adopted at the Ninth Asian Regional Conference (1980),

Recalling also the Report of the Director-General to the 70th (1984) Session of the International Labour Conference and the discussion on standards that took place on that occasion,

Noting with appreciation the work presently being undertaken by the Governing Body of the International Labour Office with a view to reviewing the whole question of international labour standards in order to make them more realistic, effective and responsive to the needs of the entire membership;

Requests the Governing Body of the International Labour Office:

(1) when choosing subjects for new standards, to be guided by—

(a) objective criteria such as:

(i) their expected impact on the solution of concrete and urgent problems affecting a significant number of workers;

(ii) the absence of other relevant standards adopted by the International Labour Organisation;

(iii) whether an adequate degree of agreement on the main objectives can be reached within and between each of the three constituent groups of the International Labour Organisation;

(b) the need for Conventions and Recommendations, as well as enhancing social protection, to encourage the creation of employment;

(c) the need to examine systematically the requirement to revise, where necessary, and consolidate, where appropriate, international labour Conventions, and thereby to reinforce the body of international labour law;

(2) to continue to review the possibility of transferring the responsibility for meeting the travel and subsistence expenses of non-governmental delegates to the International Labour Conference from member States to the International Labour Organisation, in order to ensure the universality of international labour standards in spite of the real financial difficulties facing many of the poorer member States;

(3) to call upon member States of Asia and the Pacific to participate effectively in the framing of international labour standards so as to reflect in such standards their special conditions and circumstances and to enable them to ratify more Conventions;

(4) to call upon member States of Asia and the Pacific which have not yet done so to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);

(5) to reinforce the International Labour Office's technical co-operation and programmes of assistance to governments and employers' and workers' organisations with a view to promoting international labour standards.

Conclusions concerning rural and urban vocational training

The Tenth Asian Regional Conference, meeting in Jakarta from 4–13 December 1985, recommends the Governing Body of the International Labour Office to draw the attention of Asian and Pacific member States to the following conclusions:

I. General considerations

1. Social and economic development as well as structural and technological change are sweeping over most Asian and Pacific countries. Growing populations combined with stagnant

economies in many countries and decreasing employment opportunities have brought to the fore the vital role of human resources development in meeting these changes.

2. Vocational training can provide the knowledge, skills and attitudes required, and it is an important key to unlocking the potential for improved quality of life for people in Asian and Pacific countries. As such it has become a basic need for all. If vocational training in urban and rural areas is to make a true contribution to the progress of Asian and Pacific nations and to the well-being of individuals, it should be able to reach the majority if not the whole of the population and be relevant to job requirements and opportunities and to development potential. It should also foster favourable attitudes towards work, link theory with practice and promote self-reliance.

3. Furthermore, vocational guidance and training should facilitate the transition from general education — however little there may have been — to a productive working life. To this end, vocational training should form an integral part of national education and training systems and be in harmony with national economic and social development plans and policies.

II. Vocational training policies, priorities and co-ordination

4. In order to increase and improve the opportunities available for the acquisition of occupational competence, and in pursuance of the Human Resources Convention, 1975 (No. 142), and Recommendation, 1975 (No. 150), States in the region should devise training policies that are attuned to each country's development goals. In view of the relatively high cost of skills development, it is important to conceive and launch a process aimed at determining priorities by target groups, by sectors of economic activity and on a regional basis, and to adopt strategies that avoid duplication and uncoordinated efforts.

5. Vocational training policies and strategies should ensure the participation of those concerned with the development of their nations, and primarily employers' and workers' organisations alongside governments, and should take due account of:

- (a) aptitudes and aspirations of individuals and social development;
- (b) levels of literacy and general education in various communities;
- (c) opportunities for individuals in respect of gainful activities, employment and self-employment;
- (d) structural adjustment and prospects for development of various sectors and branches of economic activity;
- (e) technological development and trends;
- (f) improvement of national productivity;
- (g) institutional support systems.

6. Notwithstanding the diversity of conditions prevailing in the region, priority attention should be given to the provision of skills for vulnerable groups of the population such as youth, women, handicapped people and older workers, particularly those with low literacy levels and those living in rural areas.

7. Overall co-ordination systems should be established in accordance with national law and practice, and should actively pursue the aim of maximising human and material investment in basic education and vocational training. Furthermore, policies of national co-ordination should pursue the overall goal of human development by harmonising the transition from formal education to training. This requires the full co-operation of all interested parties. Co-ordination mechanisms should ensure, on a permanent basis, that vocational training institutions and programmes are adequate and relevant to prevalent social and economic needs and that they continuously adjust to changing requirements. High priority should be given to decentralised training systems and to the encouragement of local initiatives and innovative approaches to vocational training by employers', workers' and other non-governmental organisations.

III. Training needs assessment

8. Most countries suffer from inadequate information and data on the labour force. When combined with structural and technological change it becomes very difficult to assess vocational training needs. Therefore governments, in consultation with workers' and employers' organisations, should find ways to generate such data and use different combinations of various assessment methodologies, techniques and reliable feedback tools. These include labour market

signals based on information gathered from employment exchanges, employers' and workers' circles, and tracer studies. This would assist in the determination of employment and self-employment opportunities. Where adequate statistics do not exist, efforts should be made to generate a continuous flow of the labour force data essential for a realistic assessment of training needs in order to reduce the mismatch of vocational training and employment opportunities. Where appropriate, training needs assessment should be decentralised, delegating decision-making to the relevant local authorities, the main function of the central authorities being to co-ordinate, monitor, evaluate and when necessary correct the process on a continuing basis.

IV. The status of vocational training

9. Societies' preference for white-collar over blue-collar work needs to be changed. In order to provide the fundamental knowledge on which future skills and attitudes can be based, it is essential to harmonise approaches to the development of curricula and syllabi for both education and training. A fuller integration of education and training programmes that range from primary education through secondary and beyond to the world of work should bring closer together the respective fields of education and training and help to alleviate the second-rate connotation that vocational training has in some countries. Vocational training that leads to well-remunerated employment and improved career opportunities will greatly contribute to changing the attitudes of society and of prospective trainees who might otherwise have preferred alternative streams of education.

10. Only when training can be seen in a professional perspective, supported by appropriate qualified and experienced staff and given the consideration it deserves by governments, will it achieve the respect of other professional bodies and the recognition of society. By establishing the professional status of training, it should be possible to ensure that societies also afford equal recognition to the trainer and teacher.

V. Training for specific sectors and areas

11. In view of the need for each country to develop its key sectors which have a growth potential and where it can enjoy a comparative advantage, training activities should be geared towards those areas which can accelerate social and economic development. In order to speed up modernisation and technological progress in specific sectors as well as to increase employment and self-employment opportunities, comprehensive training at all levels of skill, including management training and the encouragement of an entrepreneurial spirit, is required alongside vocational training.

12. An area of common concern to most countries of the region is training for the rural sector, where the largest and poorest section of the population lives. In many countries urgent measures, at both the policy and the implementation levels, are required to remove the serious obstacles that prevent the low-income groups from minimal—let alone equal—access to education and training. In devising education and training for rural areas, particular care should be taken that these do not unduly accelerate migration to urban areas. Improved living conditions in rural areas would greatly contribute to attracting and encouraging trained individuals to remain in rural areas. Critical areas of vocational training for rural areas that need urgent attention are: the training of trainers, landless rural workers and extension workers; the provision of skills that facilitate the manufacture and use of better agricultural implements; the diversification of economic activities; the introduction of appropriate technologies; and the development of rural infrastructure and services.

13. Because of the employment potential of the urban and rural informal sectors, particular efforts are required to strengthen their own skill delivery systems—including the use of mobile training—and to facilitate their access to existing formal and non-formal education and training facilities.

VI. Training of vulnerable groups

14. Young people, women and older workers, particularly those with low literacy levels, as well as disabled persons, are the most vulnerable groups in the Asian and Pacific region. While there is a lack of skills in certain occupational categories such as technicians and managers, there

is a serious problem of unemployment and underemployment among young people, women and older workers. The correction of these imbalances can be achieved through proper and well-conceived training schemes. As the use of child labour can represent a serious impediment to the access of young people to education and training, such practices should be prohibited.

15. The problem of employment and training programmes for youth in the Asian and Pacific region is pressing. Every effort should be made to expand employment opportunities through rational economic development policies, by increasing the intake of vocational training systems and by coupling, wherever possible, vocational training with entrepreneurial development. Such schemes should be linked to a supporting infrastructure such as credit, extension services and other relevant activities.

16. Special efforts should be made to help women in the low-income bracket in urban and rural areas to have access to training opportunities that lead to income-generating activities. Training should not be limited to traditional women's occupations but should also be geared to jobs that have so far not been considered as typical for women and that require high levels of skill and responsibility at technical and managerial levels.

17. Older workers see their livelihood threatened and find it more and more difficult to obtain and hold jobs in sectors negatively affected by structural change. In addition, in industrial settings their training and experience are made obsolete by technological progress. Further training, retraining and upgrading programmes closely linked to national policies designed to cope with economic, technological and structural change should be urgently developed for mature and older workers.

VII. Expanding vocational training opportunities

18. In view of the rapidly increasing populations in most Asian and Pacific countries, the intake capacity of vocational education and training centres and programmes should be dramatically increased to satisfy the short- and long-term requirements for the skilled labour force needed for equitable social and economic development. To maximise the utilisation of resources, special emphasis should be placed on the development of innovative and cost-effective training schemes and methods, such as the Modules of Employable Skills developed by the ILO.

19. Areas with great development potential for additional training opportunities include the acquisition of skills through apprenticeship, on-the-job training, sectoral or group training schemes and various in-plant skill upgrading, retraining and further training programmes. All efforts should be made to assist enterprises to set up or strengthen apprenticeship and other in-plant training schemes for the initial training of young people and the further training of employed workers. Small and medium enterprises should be encouraged to pool their resources to run group training schemes. Since low literacy levels can constitute a barrier to entry to training schemes and programmes, every effort should be made to combat illiteracy and where possible to devise training methodologies for trainees with a low level of literacy.

20. Consultancy services should be made available to enterprises and other organisations, whenever necessary, to assist them in the identification of operational and labour force problems, the planning and implementation of training programmes, the provision of training materials and the training of workers and supervisors to take on teaching functions. The recruitment and training of experienced workers and supervisors for teaching purposes should be encouraged as a means of rendering training up to date and relevant to real working situations.

21. It is important to offer opportunities for workers who have acquired skills and experience within enterprises to undergo skill tests and obtain recognised certification. This would ensure that in-plant training has equal status with that provided in training centres.

22. In many countries there is still ample room for maximising the use of training facilities and resources, and thus increasing the availability of training places. Training centres should be used to their full potential in co-ordination with in-plant training programmes. In this respect, countries are urged to set up or to further develop vocational guidance and information systems on available training opportunities so as to avoid underutilisation of vocational education and training facilities.

23. In the process of increasing vocational training opportunities, great care should be exercised in order not to sacrifice quality. Concerted efforts are needed not only to diversify training opportunities but also to improve the quality and relevance of the training imparted at all levels.

VIII. Training of trainers

24. The scarcity of well-qualified trainers with experience in actual work situations is endemic in most Asian and Pacific countries. In spite of intensive efforts to train large numbers of training staff, many countries have great difficulty in retaining them in teaching positions. Therefore countries should endeavour to establish career opportunities for trainers that include incentives for updating technical and pedagogical skills and offer prospects for promotion so that the incentive to remain in post is maintained. Furthermore, salaries and allowances should be such that good trainers are not lost to better-paid jobs, leaving behind the less able and less up-to-date instructors.

25. The provision of qualified trainers for the rural and informal sectors and for vulnerable groups presents particular problems. It is important that steps be taken to identify training-staff requirements, establish trainer-training institutions and programmes, recruit and motivate suitable personnel—preferably from the sector concerned—and offer adequate employment incentives to ensure retention of their services.

IX. Financing of vocational training

26. Taking specific national circumstances into account, countries should explore the comparative advantages and effectiveness of levy-grant schemes, tax incentives, payroll taxes, skill development funds and other means of sharing training costs.

27. Whenever an increasing share of the financial responsibility for training is transferred from government to enterprises, this should be done in such a way as to safeguard their viability and to encourage them to maintain and expand their own training activities. Furthermore, enterprises operating in the forefront of technological innovation in developing countries may require assistance in meeting the high cost of their training requirements. Moreover, government-sponsored training facilities and programmes for the unemployed and the poor should be maintained if not enhanced.

28. The financing of rural training remains a major problem in many countries. The absence of large-scale enterprises in many places makes it unlikely that any alternative source of training or funding can be identified outside the central or provincial government. Therefore, in the allocation of funds to vocational training, particular care should be taken to ensure that rural areas receive a sufficient and equitable share of available resources in order to avoid the bias towards urban training that prevails in many countries.

X. Tripartite participation

29. Because of the vested interest that employers and workers have in employment-oriented skills training, governments should actively invite their respective organisations to participate at all levels in designing, implementing and evaluating vocational training schemes. They should accord vocational training the priority it deserves and ensure that their representatives have the required expertise to participate effectively in the decision-making process. The spirit of tripartism should permeate all training efforts in order to achieve the most effective results with available resources. Tripartite participation is vital in the assessment of vocational training needs to reflect the realities of the world of work.

30. Moreover, and particularly in rural areas, the participation of community leaders, rural bodies and relevant non-governmental organisations is the *sine qua non* of training initiatives that are in harmony with the aspirations and development needs of rural communities and individuals. The increasing number of integrated rural development schemes should also provide a focal point towards which representatives of local groups can gravitate with their training proposals and concerns.

XI. The role of the ILO

31. The ILO should co-operate with governments and employers' and workers' organisations to ensure that the foregoing conclusions and suggestions are implemented in countries of the Asian and Pacific region.

32. The ILO should examine ways and means to enable its member States in the region to ratify international labour Conventions relevant to training and in particular the Human Resources Development Convention, 1975 (No. 142).

33. The ILO should actively seek to attract more resources from bilateral, multi-bilateral, UNDP and other financing sources for its technical co-operation programme to promote self-sustaining vocational training systems in the region. This programme should strongly support the efforts made by Asian and Pacific countries to:

- (a) devise, implement and evaluate comprehensive policies and programmes supported by adequate national co-ordinating machinery;
- (b) improve the effectiveness and efficiency of training systems, institutions and programmes;
- (c) strengthen tripartite and popular participation in national and local training activities;
- (d) improve the administration of vocational training, including the development of competent staff and the establishment of relevant labour force and vocational training data bases;
- (e) develop the legal and technical infrastructures necessary for the operation of life-long training systems;
- (f) increase opportunities for the acquisition and improvement of occupational competence;
- (g) expand and improve training schemes in rural areas;
- (h) increase in-plant training schemes and apprenticeship training;
- (i) develop and improve entrepreneurial schemes for small enterprise managers, self-employed individuals and returning migrant workers;
- (j) expand vocational guidance and information on training and employment opportunities;
- (k) promote training in the informal sector in both urban and rural areas;
- (l) increase training opportunities for vulnerable groups such as women, youth, landless rural workers, older workers and people with low levels of literacy;
- (m) develop innovative and cost-effective training methods;
- (n) explore and promote alternative mechanisms for financing vocational training in rural and urban areas.

34. The ILO's technical co-operation programme should be supported by vigorous, action-oriented research and by an active exchange of information and experience that explicitly address the training priorities of the region.

35. The Governing Body of the ILO should be invited to request the Director-General to:

- (a) increase the share of the regular budget of the ILO allocated for vocational training and provide technical assistance to developing countries in their efforts to achieve vocational training goals;
- (b) organise regional meetings and seminars with a view to exchanging information and experience;
- (c) allocate adequate resources in the 1988–89 Programme and Budget for the convening of a World Conference on Training in close co-operation with other concerned organisations of the United Nations system.

36. The ILO should ensure that adequate financing is provided to strengthen and expand the work of the Asian and Pacific Skill Development Programme (APSDEP), which aims to promote active technical co-operation among countries of the region. The Committee particularly appealed to the UNDP to continue its financial support to APSDEP. In carrying out its mandate, APSDEP should concentrate on issues that have high priority for countries of the region, have a strong potential multiplier effect, contribute to a fuller exchange of experience and in general have a high potential for social and economic development.

37. APSDEP should make energetic efforts to foster co-operation among countries in vocational training for the rural and informal sectors; advise governments on ways and means to increase the numbers and improve the qualifications of staff responsible for training at all levels; continue work on skill standards and certification systems and on the exchange of training materials and information.

38. In co-operation with national training bodies and through its networking activities, APSDEP should collect and disseminate country training profiles. In particular it should evaluate successful and promising training experiences in order to assess their replicability in other countries of the region. Special attention should be devoted to research and training activities in favour of the least developed countries.

39. The activities of APSDEP should be carried out in close co-ordination with other ILO regional programmes, particularly the Asian Regional Team for Employment Promotion (ARTEP), with the ILO's International Centre for Advanced Technical and Vocational Training

in Turin and with strong professional support from the Training Department of the ILO in order to achieve the highest possible impact with available resources.

Conclusions concerning vocational rehabilitation of disabled persons

1. The scope, extent and causes of disablement in the Asian and Pacific region

1. In the Asian and Pacific region, the problem of disablement is more acute than in any other region of the world. On the basis of United Nations estimates that one in ten of the world's population is physically or mentally handicapped to such an extent as to require assistance in some activity of daily living (including employment), Asia and the Pacific, with a total population of 3,000 million in some 50 countries, may well account for 60 per cent (300 million) of the world total of 500 million disabled persons. Taking into consideration the number of family members, professionals and others who are involved in caring for the needs of the disabled, it can be said that almost one-quarter of the region's population is adversely affected by the presence of disability. It is obvious, therefore, that disability in the Asian and Pacific region constitutes a social, economic and human problem of the first magnitude.

2. The total number of disabled persons is growing year by year owing to wars, rapid population growth, famine, increasing occupational risks, natural disasters, polluted environment, drug addiction, etc.; the problem is exacerbated owing to a marked lack of disability-prevention services in the medical, social and industrial safety and health sectors. The main disabling conditions are blindness, deafness and crippling diseases such as poliomyelitis and tuberculosis; more than half the world's 12 million leprosy patients are to be found in the Asian and Pacific region; mental illness and mental retardation probably account for almost one-third of the total numbers of disabled people, while high accident rates on the roads, in the home, in industry and agriculture daily add to the numbers.

3. With high unemployment in many Asian and Pacific countries, job opportunities for the disabled are minimal or non-existent. Vocational rehabilitation services, short of specialised staff, are often limited in scope and size; they are mainly urban-based and rarely reach out to rural areas where 80 per cent of disabled people live. In terms of basic human rights and expectations, this is a depressing picture; in economic terms no government or community can afford to support so many inactive people indefinitely.

4. It is hoped that the recently adopted ILO standards on vocational rehabilitation (the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168), 1983) and the programmes of action associated with the United Nations Decade of Disabled Persons (1983-92), will inspire all Asian countries to implement, wherever possible, the suggestions and recommendations embodied in the following conclusions.

II. National rehabilitation policy and legislation

5. The gravity and magnitude of the disablement problem of the region and the humanitarian issues involved call for the formulation of a national rehabilitation policy by all member States. In this connection, member States should consider ratifying the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) and adopting the guide-lines contained in the ILO Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168). Ratification of the Convention would help to ensure, in accordance with national conditions, that:

- (a) a national policy on vocational rehabilitation and employment of disabled persons, based on the principle of equal opportunity between disabled workers and workers generally, is formulated, implemented and periodically reviewed;
- (b) appropriate vocational rehabilitation measures are made available to all categories of disabled persons;
- (c) employment opportunities are promoted for disabled persons in both urban and rural areas.

6. A national rehabilitation policy should be linked closely with a policy of disability prevention. It should be based not only on the principle of equal opportunity but also that of non-discrimination in so far as training and employment opportunities are concerned.

7. Employers' and workers' organisations should be consulted and involved in the development and implementation of the national rehabilitation policy, together with other interested public bodies, non-governmental organisations and disabled persons themselves.

8. National rehabilitation policy should be formulated and developed within the context of national social and economic development plans and the effectiveness of its implementation should be monitored by appropriate advisory and co-ordinating machinery for the disabled operating at the national, regional and local levels.

9. Legislative measures in the field of vocational rehabilitation should reflect national policy decisions. It should be recognised that, however well-intentioned such measures are meant to be, they rarely cover all the essential aspects of vocational rehabilitation and employment of disabled persons. There is a need therefore for vocational rehabilitation measures to be periodically reviewed and their effectiveness evaluated.

10. It should be recognised that legislative measures aimed at creating employment for the disabled can only be effective if there is the necessary administrative machinery to ensure its implementation.

11. When relevant legislation is under review, the opportunity should be taken to examine possibilities for developing or extending vocational rehabilitation services.

III. Widening the scope of vocational rehabilitation services

12. The future planning and development of vocational rehabilitation services by all member States of the region should take into account the vocational training and employment needs of hitherto largely neglected groups of disabled people such as the mentally retarded, mentally ill, leprosy patients, disabled women, drug-dependent persons, victims of occupational accidents and disease, disabled refugees and disabled migrant workers. It should be recognised that the latter group (migrant workers) may be particularly vulnerable, often being exposed to different climatic conditions, the dangers of war and industrial accidents. Contracts of employment for migrant workers should clearly indicate the responsibility of all relevant parties for rehabilitation in the case of injury or illness.

13. In promoting vocational rehabilitation services for these groups, Asian member States should take into account the need to:

- (a) involve employers' and workers' organisations, disabled people and organisations representing these groups in the planning and implementation process;
- (b) co-ordinate the vocational rehabilitation aspects of the programme with related services for these groups (social, health, education, etc.);
- (c) undertake public information campaigns linked to active disability-prevention programmes, with a view to removing stigmas and superstitions associated with leprosy, mental illness, etc.;
- (d) adopt the policy advocated in paragraph 2 of the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), i.e. "Vocational rehabilitation services should be made available to all disabled persons, whatever the origin and nature of their disability and whatever their age, provided they can be prepared for, and have reasonable prospects of securing and retaining suitable employment."

IV. Staff training

14. Member States in the region should give high priority to removing one of the greatest obstacles to the full development of vocational rehabilitation services—the lack of trained staff. The following measures should be taken to attract and train well-motivated and suitably qualified people:

- (a) including vocational rehabilitation studies at university and technical college level;
 - (b) creating sound salary and career structures;
 - (c) offering incentives to those whose work is particularly arduous (e.g. working in rural areas);
 - (d) calling on the ILO for assistance in organising staff training courses;
 - (e) offering fellowships for studies in other countries of the region.
- (See Section X for regional training proposals.)

15. As the acute shortage of vocational rehabilitation staff is likely to prevail for some considerable time, member States of the region should make greater use of the services of aides, auxiliaries and volunteers within the community in their vocational rehabilitation services and programmes.

V. Creating training and job opportunities for the disabled

16. Member States of the region should make every effort to create and promote vocational training and employment opportunities for disabled persons in open, sheltered, co-operative and self-employment. Some of the measures which could be taken include:

- (a) evaluation and review of existing vocational rehabilitation legislation to ensure that any job creation schemes through quota, reserved occupations or similar measures are operating effectively;
- (b) provision of more training places for disabled persons in existing training centres for the general population;
- (c) revision, where necessary, of existing training programmes to ensure that the courses offered are in line with existing or projected labour market requirements;
- (d) provision for more flexibility in regard to entrance requirements and programme content in apprenticeship courses, thus enabling greater numbers of disabled persons to take advantage of them;
- (e) provision of easier access of disabled persons to places of training and employment by the removal of physical and architectural barriers which hinder their free movement;
- (f) adaptation of tools, machinery and the workplace itself in order to accommodate more disabled workers;
- (g) government-financed incentives (e.g. tax concessions) to employers for on-the-job training and employment of disabled persons;
- (h) introduction of better management, production and marketing techniques in sheltered workshops thus making them more viable and able to employ more disabled persons;
- (i) appropriate government financial support to disabled people who take up self-employment, to self-help groups of the disabled, co-operatives of the disabled and non-governmental organisations which are concerned with promoting training and employment for the disabled;
- (j) promotion of publicity campaigns highlighting specific and successful examples of disabled people at work;
- (k) financing of vocational rehabilitation and training services through social security and any other similar schemes;
- (l) establishing or extending selective placement and follow-up services for disabled persons.

17. All governments of Asian and Pacific countries should set an example by employing disabled persons. Governments should also give the fullest possible support to workshops for the disabled by giving them special consideration when tendering for government contracts.

VI. Vocational rehabilitation in rural areas

18. The attention of all Asian and Pacific member States is drawn to the community-based vocational rehabilitation project for disabled persons in rural areas which has been successfully developed by the Government of the Republic of Indonesia with the technical assistance of the ILO. This ambitious low-cost, high-yield programme, utilising local training, production and marketing expertise and making full use of community services and volunteers is currently helping thousands of disabled persons in 178 separate rural localities to become economically independent and fully integrated into active rural life. The programme has been further strengthened through the introduction of mobile rehabilitation units.

19. All member States of the region should give urgent attention and high priority to the creation of training and employment opportunities for the rural disabled. This could be achieved by:

- (a) using existing urban vocational rehabilitation centres as a base and gradually extending services to rural areas;
- (b) providing incentives to specialised staff to encourage them to work in rural programmes;

- (c) enlisting community support and volunteer assistance;
- (d) incorporating a vocational rehabilitation component in existing community development, community health and rural resettlement services;
- (e) creating out-reach services by means of mobile teams.

VII. Community participation in vocational rehabilitation

20. Vocational rehabilitation services in member States of the region, in both urban and rural areas, should be planned, developed and operated with the fullest possible community participation. Not only is the community capable of mobilising resources for such services, it is the community itself which will help to identify disabled persons and their needs, give support to them during rehabilitation and help them to secure suitable employment.

21. It is governments' responsibility, at both the national and local level, to encourage and help sustain community participation in vocational rehabilitation. In doing so, member States should recognise the important contributions that can be made by:

- (a) families of disabled persons (the pattern of extended family care still prevails in some Asian and Pacific countries and this could be a vital element in the planning of vocational rehabilitation activities);
- (b) employers' and workers' organisations (it is they who can advise on employment opportunities and, however efficient vocational rehabilitation services may be, little real progress will be made in finding and creating jobs for the disabled without the full co-operation of both sides of industry);
- (c) community leaders and groups, village heads and volunteers;
- (d) non-governmental organisations;
- (e) the disabled themselves and their organisations;
- (f) sports and recreation centres.

VIII. Public information campaigns

22. In order to help overcome discrimination, prejudice and superstitious beliefs associated with disabled persons, and to help ensure their rightful share of training and employment opportunities, all member States of the region should organise public information campaigns on a regular basis through the mass media, in co-operation with employer and trade union organisations, non-governmental organisations, religious bodies, community and rural development services, etc. The campaigns should stress the abilities and potential of disabled persons.

IX. Inter-country co-operation

23. The need for increased inter-country co-operation on all questions affecting the vocational rehabilitation of disabled persons in the region cannot be emphasised too strongly. This will involve a regular exchange of information on research, training and employment opportunities and also the offering of fellowships for the training of rehabilitation staff.

24. In view of the acute shortage of trained staff (as indicated in Section IV) it is strongly recommended that serious consideration be given by Asian and Pacific member States to the creation of a regional network of rehabilitation staff training facilities. Such a network, similar to that of the African Rehabilitation Institute for staff training and research, developed jointly by the Organisation of African Unity and the ILO, should make the fullest possible use of existing well-developed vocational rehabilitation institutes at a number of selected focal points in the region.

X. International assistance and the role of the ILO

25. Member States of the region should make the fullest possible use of the ILO's experience and expertise in developing their national and regional vocational rehabilitation programmes and services. Such assistance would take into account the need to co-ordinate the effective utilisation of existing resources, research, data collection and processing and the planning and development of new services in co-operation with employers', workers' and disabled persons' organisations. Co-ordination of ILO vocational rehabilitation assistance with that of other

United Nations agencies, other international governmental and non-governmental organisations concerned with the well-being of disabled persons should be assured.

Resolution concerning the protection and promotion of freedom of association and trade union rights in the Asian region

The Tenth Asian Regional Conference of the International Labour Organisation,
Having met in Jakarta from 4 to 13 December 1985,

Considering that, in accordance with the Constitution of the International Labour Organisation, the full exercise of freedom of association is a fundamental principle, applicable to workers and employers alike, on which the ILO is based,

Recalling the resolution concerning international labour standards in Asia, in particular those relating to human rights and trade union freedoms, adopted by the Eighth Asian Regional Conference (Colombo, 1975), which placed particular emphasis on the ratification and application of the ILO Conventions concerning freedom of association and trade union rights,

Recalling also the conclusions concerning freedom of association, labour relations and development in Asia, adopted by the Ninth Asian Regional Conference (Manila, 1980),

Noting with concern the low rate of ratification by Asian member States of the relevant Conventions, as is indicated in the Director-General's Report to the Conference,

Considering that the principles of freedom of association and trade union rights should be fully applied irrespective of the social and economic systems existing in the different countries and that the denial of these rights is in violation of the ILO Constitution,

Considering also that the principles of freedom of association and trade union rights apply to all workers without distinction, whether they are employed in the private, the public or the rural sector,

Recognising that full respect for freedom of association and the existence of effective and independent trade union and employers' organisations are essential prerequisites to enable the workers and employers to play a constructive role in the social and economic development of their respective countries,

Considering that in the past few years the International Labour Office has received several important complaints concerning violations of freedom of association and trade union rights which are taking place in a number of member States of the Asian region,

Noting with concern that in some cases the governments involved do not take the action necessary to implement the recommendations of the Committee on Freedom of Association and the Governing Body, and allow violations of trade union rights to continue,

Recognising that over the years the ILO supervisory procedures concerning freedom of association and trade union rights, including the sending of ILO missions on the spot, have contributed to the improvement of the trade union situation in a number of countries;

1. Invites the Governing Body of the International Labour Office to call upon the governments of the member States of the Asian region to strengthen their efforts for the full exercise of freedom of association and trade union rights and, to this end:

- (a) to ratify and fully apply the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Workers' Representatives Convention, 1971 (No. 135), the Rural Workers' Organisations Convention, 1975 (No. 141), and the Labour Relations (Public Services) Convention, 1978 (No. 151), and, pending their ratification, to guarantee in law and in practice the observance of the principles set forth in these Conventions;
- (b) to refrain from any action, including the introduction of new legislation, which would undermine the basic rights of workers and employers and the rights of their organisations to organise, represent and bargain collectively on behalf of their members and to repeal or amend, wherever in force, all laws and regulations restricting or denying these rights;
- (c) to co-operate fully with the ILO by sending promptly detailed replies to complaints, by providing further information if so requested by the supervisory bodies, by implementing strictly the recommendations presented on the cases concerned and by accepting requests for on-the-spot missions made by the Director-General or the Governing Body of the ILO.

2. Furthermore requests the Governing Body of the International Labour Office to instruct the Director-General:

- (a) to take appropriate measures to enable the Office to assist member States of the Asian region to comply with the principles of freedom of association and to promote the ratification of the ILO Conventions concerned;
- (b) in accordance with existing procedures to give full publicity to the findings and conclusions reached through the procedures for dealing with complaints concerning violations of freedom of association;
- (c) to act without delay and to seek, as appropriate, the consent of member States to direct contacts missions in cases where these States are allegedly infringing important principles of freedom of association and trade union rights.

Resolution concerning productivity

The Tenth Asian Regional Conference of the International Labour Organisation,
Having met in Jakarta from 4 to 13 December 1985,

Recognising that productivity is the effective and efficient utilisation of all resources of production leading to increased wealth creation,

Recognition that the degree of economic growth, the creation of employment opportunities, the rise in living standards and the provision of goods and services at appropriate prices to consumers largely depend upon productivity improvement at the enterprise level,

Emphasising the importance of ensuring that increased productivity will contribute to the achievement of economic and social progress and that its benefits will be shared in an equitable manner by the partners of production and society at large,

Noting that regardless of whether one is employer, manager, supervisor or worker, all persons in the enterprise must have a common understanding of and full concern for productivity improvement,

Convinced in this context that the enterprise has the most important role in wealth creation and its distribution in the economy,

Convinced that improvements in such areas as utilising materials and energy effectively, reducing accidents, improving the working environment, reducing defects in goods and services, improving processes and products, and reducing waste can only be realised through continued efforts and ingenuity on the part of all persons concerned;

1. Requests governments and employers' and workers' organisations of the States Members of the International Labour Organisation in the Asian and Pacific region to encourage and support:

- (a) efforts to enhance productivity consciousness at the enterprise level, as well as at sectoral and national levels;
- (b) the activities of the International Labour Organisation in this field for the member States in the region.

2. Invites the Governing Body of the International Labour Office to request the Director-General to strengthen ILO programmes in this field, in particular:

- (a) by including in the ILO programme studies on experiences in productivity enhancement programmes at enterprise, sectoral and national levels;
- (b) by including advisory and technical co-operation programmes for the member States in the region;
- (c) by preparing and disseminating promotional and training materials and by assisting international exchanges of information and experience.

3. Requests governments and employers' and workers' organisations, as well as the ILO, to devote full attention to the economic as well as the social aspects of productivity improvement, including the working environment, in the elaboration of measures and activities they initiate in this regard.

Resolution concerning youth employment

The Tenth Asian Regional Conference of the International Labour Organisation,
Having met in Jakarta from 4 to 13 December 1985,

Recalling the provisions of international labour Conventions and Recommendations on the training and employment of young persons, in particular the Unemployment (Young Persons) Recommendation, 1935 (No. 45), the Vocational Training Recommendation, 1962 (No. 117), the Employment Policy Convention and Recommendation, 1964 (No. 122 and No.122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169),

Further recalling the resolution concerning youth employment, adopted by the International Labour Conference at its 64th (1978) Session, which calls on member States to elaborate a variety of measures against youth unemployment,

Recognising the need to adopt appropriate measures for securing work and education for youth,

Expressing serious interest in enhancing the participation of young people in the socio-economic life of their respective countries,

Appreciative of ILO activities in the areas of vocational guidance and training of youth, the Special Youth Schemes Recommendation, 1970 (No. 136), and the resolution concerning training, adopted by the International Labour Conference at its 67th (1981) Session,

Noting the recommendations of the Tenth Conference of Asian and Pacific Labour Ministers in Melbourne on youth-related problems, in particular the need for individual governments to accord high priority to the provision of education and training of young people, taking into account labour market needs and youth aspirations,

Deeply concerned that future economic prospects, especially in the developing countries, are both bleak and alarming, in an increasingly adverse international economic environment, including in particular the rising tide of protectionism,

Further concerned that the number of young people in developing countries is expected to increase substantially by the year 2000,

Invites the Governing Body of the International Labour Office to give greater priority and resources in its biennial programmes and medium-term plans to helping Asian member countries create additional employment opportunities for the growing youth population entering the labour market.

Resolution concerning occupational health and safety in industry and in the rural sector

The Tenth Asian Regional Conference of the International Labour Organisation,

Having met in Jakarta from 4 to 13 December 1985,

Recalling the resolution concerning ILO activities for rural development adopted by the International Labour Conference at its 66th (1980) Session and in particular the recommendations which it contains with regard to the improvement of working conditions and occupational health and safety in the rural sector,

Recalling the resolution concerning the improvement of working conditions and environment and the conclusions concerning future action in the field of working conditions and environment, adopted by the International Labour Conference at its 70th Session in 1984,

Recalling the resolution concerning the promotion of measures against risks and accidents arising out of the use of dangerous substances and processes in industry, adopted by the International Labour Conference at its 71st (1985) Session,

Noting that the Governing Body of the International Labour Office recently convened a tripartite ad hoc meeting of consultants on methods of prevention of major hazards in industry, as well as the consultants' recommendations,

Noting with concern that the widespread and increasing application of certain new methods necessary for industrial and agricultural production in the Asian region, in particular increased mechanisation and the potential for excessive and improper use of chemical fertilisers and pesticides, as well as the possible hazards connected with the production, storage and distribution of these chemicals, may result in new occupational hazards in industry and in rural areas for a large number of people, as well as in greater short- and long-term risks for the public at large and the environment in general,

Recalling the tragic consequences of the accident in Bhopal where many thousands of people lost their lives or suffered serious injuries, many of which were of a lasting nature,

Expressing deep concern at the increasing use of hazardous substances and processes which gives rise in a number of cases to growing risks of serious industrial accidents causing loss of life

or lasting damage to the health of the workers and the general public, as well as negative effects for the enterprises concerned and the process of industrial development,

Stressing that countries with limited technological and financial capacities are particularly exposed to the dangers of such accidents,

Underlining the need for exercising better supervision over the use of chemicals and for existing systems of occupational health and safety to be strengthened and extended to agriculture,

Stressing in this connection the importance of training and retraining for all those who, in the context of their work, are or will be exposed to the risks emanating from mechanisation and the use of chemicals in industry and agriculture,

Recognising that active participation of workers constitutes an essential factor in health protection and accident prevention as well as for the improvement of working conditions in the industrial and rural sectors,

Emphasising the responsibilities of the International Labour Organisation for promoting measures and providing assistance for the protection of the safety and health of workers;

1. Requests the Governing Body of the International Labour Office to call upon all member States and in particular those of the Asian region:

- (a) to ratify and effectively apply the international labour instruments specifically related to safety and health regulations, in particular the Guarding of Machinery Convention, 1963 (No. 119), the Employment Injury Benefits Convention, 1964 (No. 121), and the Occupational Safety and Health Convention, 1981 (No. 155), and to implement the relevant Recommendations;
- (b) to further enact and enforce adequate legislation and guide-lines for the control of the manufacture, import, export, sale, handling and use of chemicals and machinery and to ensure the active participation of workers' and employers' organisations in the drawing-up and supervision of such provisions;
- (c) to take special measures for the safe use or, alternatively, the replacement, where possible, of those highly hazardous chemicals that have nefarious effects on the health of the worker using them, on the consumer or on the general environment;
- (d) to provide for training and education programmes at all levels in the field of occupational health, safety and ergonomics as a part of national development schemes, giving particular attention to the needs of young and women workers.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General:

- (a) to strengthen the International Labour Office's action for the improvement of working conditions and occupational health and safety in the Asian region within its International Programme for the Improvement of Working Conditions and Environment (PIACT) and its International Occupational Safety and Health Hazard Alert System; and to reinforce the International Labour Office's co-operation with other relevant United Nations agencies, particularly the World Health Organisation, the Food and Agriculture Organisation of the United Nations, and the United Nations Environment Programme;
- (b) to put emphasis, in the context of the International Labour Office's technical assistance and advisory services to the Asian region in the field of training, labour inspection and workers' education, on the growing problems and requirements with regard to occupational health and safety caused by increased mechanisation and the use of chemicals in industry and agriculture and to give particular attention to the problems of young and women workers in this respect.

3. Invites the Governing Body of the International Labour Office to place the question of occupational safety and health in agriculture on the agenda of a future session of the International Labour Conference with a view to the adoption of appropriate international labour standards.

4. Strongly urges the Governing Body of the International Labour Office to give due priority in its future programmes of safety and health in industry and the rural sector in Asia to following up the various measures recommended by the tripartite ad hoc meeting of consultants on methods of prevention of major hazards in industry as well as those recommended in the operative part of the resolution concerning the promotion of measures against risks and accidents arising out of the use of dangerous substances and processes in industry, which was adopted by the International Labour Conference at its 71st (1985) Session.

Resolution concerning action of the International Labour Organisation in respect of restrictive trade policies and their effects on employment

The Tenth Asian Regional Conference of the International Labour Organisation,
Having met in Jakarta from 4 to 13 December 1985,

Noting that the economies of many States in the Asian region, especially those of the developing countries, are dependent on equitable and remunerative prices for their primary commodities and on the export of manufactured goods to international markets,

Recognising that many States in the Asian region have a comparative advantage in the production of many primary commodities and labour-intensive goods,

Expressing concern at the serious fluctuation and decline in prices of primary commodities on international markets and the shrinkage of export markets for manufactured goods, especially those from labour-intensive industries, as a result of, among other factors, growing trends towards protectionism,

Considering that such developments greatly harm the economies of these countries and seriously impede and hamper their economic and social development and growth, and more particularly their efforts at the creation of jobs and employment opportunities for their large populations,

Considering that these international developments also prejudice the aims and objectives of regional projects of the International Labour Organisation such as the Asian Regional Team for Employment Promotion (ARTEP),

Recalling the lofty and noble enunciations of the Declaration of Philadelphia which stress, inter alia, the need to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products and to promote a high and steady volume of international trade,

Considering that the aforementioned objectives will be furthered by a strengthening of economic co-operation among all countries on an equal basis,

Appreciating the decision of the Governing Body to convene in 1986 a high-level meeting on employment, structural adjustment and equity,

Conscious, however, of the urgent need for the International Labour Organisation to involve itself more intimately with the problems of gainful employment for the large and growing labour force of the Asian region;

1. Calls upon all countries to strengthen their trade relations and to expand their internal markets in so far as possible;

2. Invites the Governing Body of the International Labour Office to direct the Director-General to institute, in collaboration with other relevant international bodies and agencies, a more concerted and sustained plan of action to assist member States in their economic and social development and more particularly in their employment and job creation strategies as an important means of promoting greater social justice and humane conditions of labour in the Asian region.

Resolution concerning the least developed countries

The Tenth Asian Regional Conference of the International Labour Organisation,
Having met in Jakarta from 4 to 13 December 1985,

Recalling the resolution concerning the strengthening of action for the least developed countries, adopted by the International Labour Conference at its 70th (1984) Session,

Recalling the Substantial New Programme of Action for the 1980s for the Least Developed Countries, adopted by the United Nations Conference on the Least Developed Countries in September 1981,

Noting with serious concern that the least developed countries as a group have been facing growing difficulties and obstacles in their efforts to create greater employment opportunities and raise productivity,

Also recalling with appreciation the special provisions for the least developed countries as contained in the Ministerial Declaration of the General Agreement on Tariffs and Trade on 29 November 1982,

Recognising the special needs of the least developed countries and the need for urgent action by the international community, which should include the provision of additional resources, to meet their critical needs and help them attain sustained economic growth, supplementing the national efforts of these countries,

Welcoming the growing response of the International Labour Organisation to the needs for increased assistance to the least developed countries;

1. Invites the Governing Body to call upon those member States that are in a position to do so to increase their development assistance to the least developed countries.

2. Invites the Governing Body to request the Director-General to further intensify the implementation of the resolution adopted at the 70th Session of the International Labour Conference in 1984 concerning the strengthening of action for the least developed countries and to allocate additional resources for this purpose.

Resolution concerning employment of women

The Tenth Asian Regional Conference of the International Labour Organisation,
Having met in Jakarta from 4 to 13 December 1985,

Taking note of the chapter entitled "Questions concerning the employment of women" in the Director-General's Report to this Conference,

Referring to the international labour standards adopted by the ILO concerning employment and working conditions of women workers,

Recalling the Declaration on equality of opportunity and treatment for women workers, the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, and the resolution concerning equal status and equal opportunity for women and men in occupation and employment, adopted by the International Labour Conference at its 60th Session in 1975,

Recalling further the resolution on equal opportunities and equal treatment for men and women in employment, adopted by the International Labour Conference at its 71st Session in 1985,

Recalling the United Nations Convention on the Elimination of All Forms of Discrimination against Women,

Referring to the decisions adopted by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women in Nairobi in 1985,

Considering that the contribution of women, both actual and potential, is indispensable to the achievement of greater economic and social development,

Emphasising that the participation of women in the workforces of the Asian and Pacific region is increasing and that this has been accompanied by important qualitative changes, but that there is still a need for women to play a more active role in the economic and social development process, and to benefit more actively therefrom,

Considering that in spite of this process the existing situation creates new demands upon employment policy respecting women and necessitates the adoption by various countries of this region and by the ILO of measures and programmes aiming at the improvement of employment of women;

1. Calls on all member States to take effective measures at the national level and to engage in broad international co-operation to promote employment of women in order to implement the goals set forth in the Declaration and Plan of Action of the ILO, in the resolution on equal opportunities and equal treatment for men and women in employment, as well as in decisions adopted by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women in Nairobi in 1985.

2. Recommends that the employment policies of the countries of the region should pay special attention to the working conditions of women employed in various sectors, as well as their access to all levels of skill and responsibility, on an equal footing with men, for the same occupation in the enterprise.

3. Requests the Director-General of the International Labour Office to give constant high priority to measures to promote equality of opportunity for women, particularly employment of women, in future programmes of the ILO.

4. Invites the Governing Body of the International Labour Office to entrust the Director-General with the task of determining as soon as possible the ILO contribution to the implementation of the decisions of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, held in Nairobi in 1985.

Twelfth Conference of American States Members of the International Labour Organisation

(Montreal, 18–26 March 1986)

CONCLUSIONS AND RESOLUTIONS ADOPTED

Conclusions concerning rural development, taking into account the problems of the indigenous populations as well as the drift of the rural population to the cities and its integration in the urban informal sector

I. Peasant poverty and rural development

1. The Committee agreed that the Latin American and Caribbean member States should be requested to:

- (a) give priority to the rural sector in their development plans and carry out rural development programmes which should be executed in an integrated fashion and cover the whole of the rural sector;
- (b) design and set in motion rural development programmes aimed at generating productive employment and improving the income and living standards of the workers while, at the same time, fostering public and private investment, capital formation in the agricultural sector and, through increased production and productivity, achieving a growing participation of rural areas in the overall national economy;
- (c) set realistic economic policy goals for the rural sector, especially with regard to channelling resources towards agriculture. In this respect it was necessary to direct public spending to infrastructure works, make credit available to all producers, irrespective of their size although preference should be given to peasants who had not had access to productive resources for many years—and in the mediation process, guard against harming the interests of producers and consumers;
- (d) establish programmes to increase the production of food and raw materials and foster the development of agro-industries;
- (e) include agrarian reform or its modernisation in rural development programmes, ensuring that it benefited rural workers and that it guaranteed the well-being of society as a whole, the efficiency of the economy and the secure legal footing of the resultant different forms of land tenure. In cases where land expropriation was just and indispensable, it would have to conform to national law and practice and respect human rights as defined in international conventions, providing adequate compensation taking due account of the rights of the parties concerned. State-owned land that was inadequately utilised should also be distributed;
- (f) ensure tripartite participation in the planning and implementation of measure to be undertaken so that rural development programmes met with success. In this way the various participants would be ensured of a role in the development process with a view to promoting voluntary and free associations of rural workers and producers;
- (g) ensure that women participate in rural development with equal rights and opportunities, both in income-generating productive activities and in rural workers' and producers' organisations;
- (h) promote study and application of appropriate technologies in the rural development of each country.

II. Specific measures in the rural areas

2. The Committee examined experience gained from specific and emergency programmes and concluded that:

- (a) these were short-term measures and, although they served to solve specific problems usually arising from catastrophes, they could not replace the long-term measures needed to attack the deeper causes of the development problem;

- (b) international assistance for these purposes should be provided within a framework of solidarity between countries and be channelled through both the public sector and private organisations, ensuring that it effectively helped the target groups and respected social peace and established law;
- (c) many of these programmes could lead to longer-term measures of benefit to the most disadvantaged groups which should actively participate in their design and implementation;
- (d) specific programmes to eradicate the cultivation of coca implemented in several countries directly affected indigenous producers who had cultivated this crop throughout history. Bearing this in mind, the lawful use of coca should be studied in depth, differentiating this from the use of cocaine as a drug. Policies and programmes should be drawn up to introduce profitable alternative crops, while permitting the continued production of coca for lawful uses, and at the same time ensuring respect for the indigenous people's cultural identity;
- (e) programmes to educate and train rural workers were important and greater tripartite efforts should be made to step up agricultural training programmes.

III. Role of rural workers' organisations

3. With regard to the role of rural workers' organisations, the Committee requested member States:

- (a) to adopt a policy aimed at encouraging the creation and expansion of rural workers' and peasants' organisations so as to associate them with the tasks of economic and social development in their countries;
- (b) to ratify and comply with the Rural Workers' Organisations Convention (No. 141) and Recommendation (No. 149), 1975. It was pointed out that the reference to tenants in Article 2 of Convention No. 141 should be limited to small tenants only. In addition, there was insistence on the observance of paragraph 2 of Article 3 of the Convention, where it was stated that rural workers' organisations should be independent and voluntary in character and should remain free from all interference, coercion or repression.

IV. Indigenous populations

4. The Committee considered the situation of indigenous populations in Latin America and the Caribbean and expressed its concern over the present danger of these groups losing their cultural identity. In this regard, the Committee recommended that member States of the Americas:

- (a) find ways to enable these populations to maintain their characteristics and values and at the same time to participate in society as a whole, while respecting their lands, property and rights as well as their own forms of social and cultural organisations;
- (b) when designing specific policies for these populations, do so with their participation to enable them to play a role in planning and implementing policies affecting them.

5. The Committee called on the ILO to:

- (a) do what it could to set up an organ to co-ordinate and carry out a programme of action for indigenous populations and to collaborate in the search for support from international financial organisations to fund this programme;
- (b) update its study *Indigenous peoples: Living and working conditions of aboriginal populations in independent countries*;
- (c) undertake the updating of this study or any other similar studies in consultation and collaboration with governments and the competent international organisations, national research centres, indigenous organisations and other public and private bodies interested and specialised in these problems.

V. Migration, urban employment and the protection of migrants

6. When considering the situation of migrants and their protection, the Committee stressed that migration constituted the link between the employment situation in rural and urban areas and that it was essential to analyse not merely its effects but also its causes. In this respect it suggested that member States:

- (a) guarantee equality of working conditions to both national and international migrants and take due account of the consequences of migratory movements which could stem from government plans and programmes;
- (b) analyse rural development programmes already implemented in order to discover to what extent these had modified migratory flows, both as to direction and as to their size and composition. Rural development policies could thus be drawn up that would be effective in helping to focus migratory movements on a regional level such as in cases of policies aimed at stimulating rural industry or the training of rural workers, thus avoiding excessive growth of the urban informal sector.

VI. Impact of the world crisis

7. After examining the effects of the world crisis on employment and incomes and the need to regain the level of productive employment, the Committee:

- (a) emphasised the need for employers and workers of the various sectors to support and collaborate with governments in seeking to obtain better conditions in the negotiation of the external debt and more adequate adjustment policies which avoided the cost of adjustment being borne mainly by the most disadvantaged groups;
- (b) pointed out the opportunity that the crisis offered for reorienting the economies of the region so as to generate more foreign exchange and employment;
- (c) suggested that exports be promoted and stimulated, that pressure be put on developed countries not to introduce protectionist policies and that national creative capacity and productivity increases be promoted as a means of attaining more international competitiveness.

8. The Committee called on member States to:

- (a) assign high priority to ensuring productive employment for everyone and recognise that this required a considerable effort in investment and generation of national savings. All social groups and their organisations should commit themselves to and participate in this effort with a view to applying policies conducive to achieving this objective. Among them were the need to reduce inflation so as to avoid excessive increases in domestic prices and to establish a stable policy framework which would help create a climate of confidence for investment, thus promoting the return of capital. It was also necessary for employers' organisations to intensify their efforts to encourage entrepreneurs to increase productive investment;
- (b) implement specific policies for the micro-enterprises of the urban informal sector which fostered its incorporation in the modern sector through active manpower policies (recycling, relocation), by modernising micro-enterprises through the elimination of present legal, labour and credit-related obstacles and by strengthening economic linkages through subcontracting arrangements with the modern sector of the economy;
- (c) design specific laws for the micro-enterprises allowing them to operate more efficiently and to obtain access to resources which were at present denied to them;
- (d) provide training for informal sector workers in the areas where they live as well as basic services, particularly low-cost housing;
- (e) ensure access of the entire population to minimum levels of living and welfare through programmes specifically designed to that end.

VII. ILO action

9. In addition to the requests for ILO action mentioned in section IV above, the Committee invited the ILO:

- (a) to carry out a comparative study on agrarian reform procedures and traditional systems of land tenure and cultivation in order to be fully informed of their effects on peasants and agricultural workers. This should be done in consultation with workers' and employers' organisations;
- (b) to carry out a study on the origins and destination of migration movements in Latin America and the Caribbean;
- (c) to continue actively collaborating with countries, through PREALC, in the design and implementation of employment and welfare policies, looking in particular for innovative operational projects for the informal sector;

- (d) to present for discussion in future meetings documents containing more specific proposals for policies aimed at improving employment and incomes;
- (e) to allocate increased resources to support skills upgrading and training of rural workers;
- (f) to carry out, through PREALC, a comparative evaluation of the effects of integrated rural development programmes on employment and migratory flows, in order to interest financing bodies in setting up new programmes based on the result of this evaluation;
- (g) to encourage the development of indigenous handicrafts through technical co-operation in training, organisation, administration and marketing.

Conclusions concerning labour relations and development in the Americas

1. The role and place of labour relations in the development process

1. Labour relations systems are closely related to the economic and social development process. A sound labour relations system which can promote consensus between the social partners as well as between them and the public authorities can reinforce industrial peace and reduce the number of labour disputes. This is essential for a successful development strategy based upon increased production and productivity. On the other hand, a labour relations system in which conflict prevails over consensus can destabilise economic and social relationships and thus block development efforts.

2. In Latin America and the Caribbean, labour relations systems frequently cover a limited percentage of the labour force. None the less, this coverage always includes the modern sector of the economy which many States in the region consider the key sector in their development strategy. Consequently, a sound labour relations system is an essential condition for ensuring that this key sector can make the development contribution expected of it.

II. The content of a sound labour relations system and the development process

3. It is for each country to establish its own labour relations system in accordance with its own socio-economic framework, history, tradition and cultural values. And clearly the various labour relations systems in force in the region reflect these differences. Despite these differences, and whatever the social, political, cultural and economic context, the Conference considers that certain basic principles are indispensable elements of all sound labour relations systems in the region. Amongst these principles, special mention must be made of freedom of association and collective bargaining as set forth in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). These basic principles of freedom of association should be recognised by all governments in the region and be accompanied by appropriate guarantees against trade union discrimination. Workers' representatives in the undertaking should enjoy the protection and facilities afforded by the Workers' Representatives Convention, 1971 (No. 135) and Recommendation, 1971 (No. 143).

Freedom of association

4. Employers and workers should be free to establish organisations to represent their interests and to play an active role in the development process. In conformity with the principles expressed in Convention No. 87, it is for the workers and employers directly concerned to choose the type of organisation and the organisational structure which they consider best for defending their rights. Legislation should respect this free choice.

5. Since one of the aims of development is the promotion of and respect for human rights, including those basic liberties such as freedom of association for employers and workers, any restrictions on this freedom, in countries in the region where they still exist, should be eliminated by the member States concerned.

6. So as to preserve their identity and equal weight in the process of social dialogue, employers' and workers' organisations should be independent from each other and of the public authorities.

7. When employers' or workers' organisations establish relations with a political party or undertake political action to advance their economic and social objectives, these relations or this

action should not be such as to transform these organisations into instruments of political parties or of the government.

Collective bargaining

8. The countries in the region should guarantee the social partners the right to determine employment conditions and their mutual relations through collective bargaining. The social partners should be able to bargain on all matters they consider appropriate. They should be able to bargain at the level they consider most appropriate in accordance with national practice.

9. Without prejudicing collective bargaining, the public authorities should ensure, through labour legislation, minimum labour conditions.

10. The State should encourage collective bargaining between the social partners by providing an appropriate framework to facilitate bargaining. Measures to promote collective bargaining should be guided by the principles contained in the Collective Bargaining Convention (No. 154) and Recommendation (No. 163) of 1981.

Settlement of labour disputes

11. As labour disputes can have a negative impact on the production process and hence on development, the State should make available suitable dispute settlement machinery, it being understood that the parties should have the opportunity in the first instance to resolve their conflicts without third-party intervention.

12. Procedures for the settlement of labour disputes should in no way undermine the rights of trade unions and employers' organisations.

13. Labour disputes in essential services should be settled through negotiation or, if not possible, by procedures such as mediation, conciliation and arbitration which offer guarantees of independence, impartiality and speediness and in which the parties can take part at every stage. Moreover, the term "essential services" should be as precisely and narrowly defined as possible, in accordance with national law and practice.

Labour relations in public administration

14. The Conference recalls that Convention No. 87 guarantees the right of employees in the public service to organise. The Conference calls upon the countries in the region where it is not yet recognised to extend this right to public servants. As provided for in the Labour Relations (Public Service) Convention, 1978 (No. 151), organisations of public employees should enjoy the right to negotiate, or to otherwise participate in the determination of, conditions of employment in the public service. Labour disputes in the public service should be settled through negotiations or, if this is not feasible, by conciliation, mediation or arbitration which ensure impartiality and which enjoy the trust of the parties. Those States of the region which have not ratified Convention No. 151 should consider the possibility of doing so.

Labour relations in agriculture

15. Labour relations in the rural sector should be based on the general principles mentioned in paragraph 4 of these conclusions. The States of the region should ratify and apply the Rural Workers' Organisations Convention, 1975 (No. 141).

Workers' participation in the enterprise

16. With due regard to national conditions, every effort should be made to develop methods of participation at the enterprise level which can contribute to the improvement of relations between employers and workers.

17. These methods should be determined by common agreement between the social partners and should not affect the collective bargaining process for the autonomy of the parties concerned.

18. Among these methods of participation, efforts should be made to encourage consultation and communication within the enterprise. Such methods may draw upon the principles contained in the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), and in the Communications within the Undertaking Recommendation, 1967 (No. 129).

III. Concerted action and development

19. The Conference considers that, under certain conditions, concerted action between the social partners and the public authorities can be an appropriate means of contributing to the formulation of economic and social policies at the national level. In particular, its usefulness is recognised in the present-day context in which, in view of the economic crisis, many countries in the region are obliged to adopt policies which call for sacrifice. Such policies could be better prepared and more acceptable if they were the outcome of consensus. In times of economic prosperity also, concerted action is an approach which can help to ensure a fairer distribution of benefits amongst all concerned.

20. Concerted action is viable only if certain conditions are fulfilled. One is that it should be the result of consultations or negotiations between the public authorities and independent and truly representative workers' and employers' organisations. Another condition is the recognition that concerted action is a process in which all parties can be called upon to make concessions and sacrifices and abide by agreements made. Finally, genuine concerted action should be voluntarily entered into.

21. The Conference considers that, despite practical problems involved in achieving genuine concerted action, efforts in this direction already undertaken by States in the region should be continued and encouraged. The Conference recalls that consultation and collaboration between the public authorities and organisations of employers and workers is one means of promoting concerted action and, in this connection, reaffirms the importance of the principles contained in the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113).

22. Neither the independence of employers' and workers' organisations nor the integrity of free collective bargaining should be jeopardised by concerted action.

IV. ILO action

23. In the setting up and promotion of sound labour relations systems capable of playing a positive role in the establishment and implementation of development strategies, the expertise of the ILO could be availed of, in particular, as regards the following activities:

- (a) the International Labour Office should promote the application of ILO standards and principles on labour relations;
- (b) the ILO should encourage exchanges of views and opinions and the dissemination of information through tripartite technical meetings and seminars at the national and regional levels;
- (c) ILO study missions might visit certain countries in the region, on the invitation of the governments concerned, in order to examine the labour relations situation and, in appropriate cases, advise such governments as well as the social partners as to which aspects of such relations could be improved;
- (d) ILO training programmes in labour relations, collective bargaining and dispute settlement should be continued and strengthened. Such programmes could be organised on a tripartite basis, as well as separately, for labour administration officials or the social partners. These programmes could be held in conjunction with the Inter-American Centre for Labour Administration, with the workers' education programme or that for employers' activities.

24. The ILO should assist States of the region to formulate a national labour relations policy, with the co-operation of the national employers' and workers' organisations. Such policies might take the form of voluntary codes, declarations, or basic agreements concluded by employers' and workers' organisations or adopted by tripartite bodies for consultation and co-operation. These codes, declarations or agreements could deal with such matters as mutual recognition of the social partners, collective bargaining and dispute settlement, and the promotion of co-operation within enterprises in various branches of the economy and at the national level.

Resolution concerning international labour standards in the countries of the Americas

The 12th Conference of American States Members of the International Labour Organisations,

Having met in Montreal from 18 to 26 March 1986,

Considering that the progress to which the peoples of the Americas aspire must be based upon balanced social and economic development with respect for fundamental rights and freedoms,

Recognising that international labour standards are of particular importance in defining and protecting the fundamental human rights relating to working life and in improving conditions of life and work and promoting employment, social institutions and the harmonisation of labour legislation,

Considering that the universality of international labour standards can be achieved by taking into account in standard setting the diverse situations of the member States and their different levels of development,

Recalling that the 11th Conference of American States Members of the International Labour Organisation, meeting in Medellin from 26 September to 5 October 1979, urged the American States Members of the ILO "to attach fundamental importance to the ratification and implementation of ILO instruments which the Governing Body has concluded should be promoted on a priority basis, and in particular Conventions Nos. 87, 98, 135, 141, 151, 29, 105, 100, 111, 122, 131, 81, 129, 102, 107, 138, 144 and 150",¹

Noting the adoption, since the 11th Regional Conference, of several other important international labour standards by the General Conference,

Recalling that the Inter-American Advisory Committee, at its Sixth Session held in Geneva from 22 to 24 November 1982, having examined the situation of the American States with regard to the ratification and application of international labour standards, considered that many of the problems and difficulties encountered could and should be overcome and that greater tripartite collaboration in the preparation and application of standards in accordance with Convention No. 144 would be particularly useful and would avoid or find solutions to a number of problems,

Noting also in this connection the establishment in 1980 of regional advisory services on international labour standards, the main function of which is to assist the governments of the different regions to fulfil their constitutional obligations, and noting that this measure produced such encouraging results that a full-time regional adviser was assigned to the region in 1983,

Noting that many countries have resorted to direct contacts procedures, which have produced satisfactory results, and that the practice of less formal advisory missions conducted by officials of the International Labour Office and by the regional adviser on international labour standards has also developed,

Recalling that the Inter-American Advisory Committee at its Sixth Session considered that the International Labour Organisation should continue to monitor the application of Conventions through its supervisory bodies and to increase its efforts to assist governments and employers' and workers' organisations in matters relating to standards, the role of the regional advisor on standards and of seminars, including tripartite seminars, being particularly important in this respect,

Likewise recalling that this meeting referred to the value of internships awarded to government officials in the International Labour Standards Department of the International Labour Office.

Considering that further progress has been achieved in the region as regards both the ratification and the application of Conventions, as can be seen from the section on standards in the Report of the Director-General to the present Conference, but that imbalances in the number and nature of the Conventions ratified can nevertheless be noted,

Considering, however, that the progress made has not been uniform throughout the American region, and that serious difficulties persist with regard to the effective application of international labour standards, including serious violations of the basic human rights instruments, resulting in the need to intensify the action undertaken at the 11th Regional Conference,

¹ The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Workers' Representatives Convention, 1971 (No. 135); the Rural Workers' Organisations Convention, 1975 (No. 141); the Labour Relations (Public Service) Convention, 1978 (No. 151); the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); the Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Employment Policy Convention, 1964 (No. 122); the Minimum Wage Fixing Convention, 1970 (No. 131); the Labour Inspection Convention, 1947 (No. 81); the Labour Inspection (Agriculture) Convention, 1969 (No. 129); the Social Security (Minimum Standards) Convention, 1952 (No. 102); the Indigenous and Tribal Populations Convention, 1957 (No. 107); the Minimum Age Convention, 1973 (No. 138); the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); and the Labour Administration Convention, 1978 (No. 150).

Recalling, in accordance with the statement in the Report of the Director-General, that failure to achieve the full employment aims of the Employment Policy Convention, 1964 (No. 122), is likely to affect many of the fundamental rights and safeguards in other Conventions, and recalling also the serious consequences for employment of the huge burden of the foreign debt and its interest rates, bearing in mind the objectives of Convention No. 122,

Noting the special part of the Report of the Director-General presented to the International Labour Conference in 1984 devoted to international labour standards, and the discussion regarding standards which took place on this occasion, in particular the observations made regarding the choice of items for the Conference agenda, the flexibility of standards and measures to assist member States to take a more active part in the preparation of Conventions and Recommendations,

Noting also that the Office is undertaking a study of flexibility clauses, the results of which will be placed before the Working Party on International Labour Standards set up by the Governing Body to review the classification of international labour standards and possible subjects for future action in the field of standards approved by the Governing Body in 1979,

Emphasising that no flexibility can be accepted with respect to the international labour standards on basic human rights, i.e. freedom of association, abolition of forced labour and the elimination of discrimination, as well as on basic health and safety requirements,

Recalling that under its terms of reference the Working Party is to prepare and propose to the Governing Body recommendations on future policy concerning the adoption of standards, in particular the frequency at which the standards should be prepared and questions related to the review and consolidation of existing standards and the preparation of standards on new subjects,

Recalling the unique nature of the current experiment in the harmonious development of the social legislation of a group of countries now being carried out in the Andean Group;

1. Calls on all American States Members of the International Labour Organisation to attach fundamental importance to the ratification and implementation of the international labour instruments which the Governing Body has concluded should be promoted on a priority basis, and in particular Conventions Nos. 87, 98, 135, 141, 151, 29, 105, 100, 111, 122, 131, 81, 129, 102, 107, 138, 144 and 150.

2. Places special emphasis on the contribution which consultations carried out in conformity with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152), can make to solving the problems and difficulties faced by the countries of the region in the field of the application of standards.

3. Reminds the governments of the American States Members with federal structures that they have the responsibility to aim at ensuring that ratified Convention are fully implemented at all levels of legislative jurisdiction.

4. Recommends the States of the region to resort to the direct-contacts procedure and to take advantage of the permanent presence in the region of the regional adviser on standards to resolve problems which may arise concerning international labour standards.

5. Invites the States concerned to co-operate fully with the procedure for the supervision of the application of standards, in particular by sending the reports and information requested by the Committee of Experts on the Application of Convention and Recommendations, and by participating in the work of the Conference Committee on the Application of Conventions and Recommendations.

6. Draws the attention of employers' and workers' organisations in the American region to the procedures open to them in relation to the application of international labour standards.

7. Invites the International Labour Office to continue its action for collaboration with the countries of the Americas, in order that the development and harmonisation of their policies and social legislation may be based on international labour standards, by granting fellowships to officials of national administrations and to representatives of employers' and workers' organisations to study questions related to international labour standards at ILO headquarters in Geneva; by organising regional seminars on international labour standards; by assigning specialised officials of the International Labour Office to participate in national seminars for officials of the labour administration and the judiciary, or in tripartite seminars; and by organising missions to advise governments, employers and workers on questions relating to international labour standards.

8. Invites the International Labour Office to utilise its technical co-operation activities as a means of promoting, to the greatest extent possible, the ratification and implementation of basic international labour standards.

9. Draws the attention of the States of the region to the importance of ratifying basic Conventions before the next Regional Conference.

10. Express the hope that, in carrying out their activities, the bodies entrusted with examining questions relating to the choice, rate of adoption, flexibility clauses and revision of standards and the machinery enabling member States to participate more actively in the preparation of international labour instruments will always bear in mind the special difficulties of developing countries and their specific interest in meeting their priority needs, without prejudice to the universal nature of international labour standards.

11. Invites the countries of the Andean Group to pursue their experiment in the harmonisation of their social legislation within the framework of international labour Conventions and along the lines proposed by the ILO supervisory bodies, and invites the International Labour Office to furnish all necessary assistance for this purpose.

12. Express the wish that the progress achieved in the ratification and application of the Conventions mentioned in paragraph 1, including the progress made in those countries which have not yet ratified them, should be examined by the 13th Conference of American States Members of the International Labour Organisation.

Resolution concerning the protection and promotion of freedom of association of workers and employers in the American region

The 12th Conference of American States Members of the International Labour Organisation,

Having met in Montreal from 18 to 26 March 1986,

Considering that, in accordance with the Constitution of the International Labour Organisation, freedom of association for workers and employers constitutes a fundamental principle on which the Organisation is based and that the Declaration of Philadelphia, which is an integral part of the Constitution, affirms that "freedom of expression and of association are essential to sustained progress",

Recalling the resolution concerning trade union rights and their relation to civil liberties, adopted by the International Labour Conference at its 54th (1970) Session, which places special emphasis on the following civil liberties as being essential for the normal exercise of trade union rights:

- (a) the right to freedom and security of person and freedom from arbitrary arrest and detention;
- (b) freedom of opinion and expression and in particular freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;
- (c) freedom of assembly;
- (d) the right to a fair trial by an independent and impartial tribunal;
- (e) the right to protection of the property of trade union organisations,

Recognising that full respect for freedom of association and the existence of effective and independent trade unions and employers' organisations are essential prerequisites to enable the workers and employers to play a constructive role in the social and economic development of their countries,

Recalling also the resolution concerning freedom of association and trade union rights adopted by the 11th Conference of American States Members of the International Labour Organisation (Medellin, 1979),

Considering that the principles of freedom of association should be fully applied irrespective of the social and economic systems existing in the different countries,

Considering also that the principles of freedom of association apply to all workers and employers without distinction in the private, the public or the rural sector,

Welcoming the progress made in the application of the principles of freedom of association in some countries of the American region, in particular in those that have recently returned to democracy,

Noting with deep concern the extremely grave violations of the fundamental principles of freedom of association and civil liberties relating thereto affecting workers, employers and their organisations in certain countries of the American region, as is evidenced by the reports of the Committee on Freedom of Association of the Governing Body of the International Labour Office,

Noting also with concern that in many countries of the American region the trade union rights of public employees are denied or seriously restricted,

Deploring that certain governments do not give effect to the recommendations of the Committee of Experts on the Application of Conventions and Recommendations, the Committee on Freedom of Association and the Governing Body,

Emphasising that the supervisory procedures of the International Labour Organisation in the field of freedom of association, and especially the sending of ILO missions on the spot, have contributed to improving the trade union situation in many countries:

1. Invites the Governing Body of the International Labour Office to call upon the governments of the American States Members of the International Labour Organisation—

- (a) to ratify and fully apply: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Rural Workers' Representatives Convention, 1971 (No. 135); the Rural Workers' Organisations Convention, 1975 (No. 141); the Labour Relations (Public Service) Convention, 1978 (No. 151); and, pending their ratification, to guarantee in law and in practice the observance of the principles set forth in those Conventions;
- (b) to ensure respect for those civil liberties that are essential for the exercise of trade rights as contained in the resolution concerning trade union rights and their relation to civil liberties adopted by the International Labour Conference at its 54th (1970) Session;
- (c) to co-operate actively with the supervisory bodies of the International Labour Organisation by rapidly providing detailed replies to complaints that are submitted and to requests for information from these bodies, by accepting on-the-spot missions proposed by the Director-General, the supervisory bodies or the Governing Body, and by strictly giving effect to the recommendations of the supervisory bodies of the International Labour Organisation;
- (d) to seek as rapidly as possible the assistance of the International Labour Office where problems concerning the full application of ILO principles and standards relating to freedom of association are experienced with a view to resolving such problems.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General—

- (a) to pursue the action of the Office to assist the American States Members of the International Labour Organisation to ensure the full application of the principles and standards on freedom of association;
- (b) to act without delay and to seek, as appropriate, the consent of governments to direct-contacts missions in cases where these governments are allegedly infringing important principles and standards of freedom of association;
- (c) to ensure that the necessary financial and human resources are allocated to enable the Office to give adequate assistance to governments and to organisations or workers and employers on questions related to freedom of association.

Resolution concerning the strengthening of tripartism in the States of the Americas and in the activities of the International Labour Organisation

The 12th Conference of American States Members of the International Labour Organisation,

Having met in Montreal from 18 to 26 March 1986,

Recalling that the principles of tripartism is vigorously confirmed in the Declaration of Philadelphia, where it is stated that the war against want requires to be carried on "by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare",

Believing that tripartism must be a dynamic element of co-operation in the development of any society,

Recognising that the existence of independent organisations of employers and workers is a precondition for the operation of tripartism, and that the social partners will be able to make a genuine contribution to the social progress of their countries only if this independence is assured,

Convinced of the need to develop and strengthen tripartism in the region, where many governments fail to facilitate its implementation,

Considering that tripartism must exist on a permanent basis and not only in situations of crisis when it is resorted to specifically for the purpose of obliging the other parties to share the government's responsibilities,

Bearing in mind the provisions of the various Conventions, Recommendations and resolutions referring to tripartism adopted by the International Labour Organisation,

Noting especially that only nine States of the 33 American States Members of the International Labour Organisation have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the importance of implementing the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152),

Recalling in particular the resolution concerning the strengthening and furthering of tripartite co-operation adopted by the 10th Conference of American States Members of the International Labour Organisation in 1974,

Concerned at the fact that certain American countries do not respect the provisions of the Constitution of the International Labour Organisation which stipulate that governments of member States are to pay the travelling and subsistence expenses of their Government, Employers' and Workers' delegates and advisers at sessions of the International Labour Conference,

Likewise concerned at the frequent imbalance between the number of Government, Employers' and Workers' participants whose expenses are paid by Governments,

Deploping the fact that at the 71st Session of the International Labour Conference five American States sent no delegation, some did not send non-governmental delegates, and several Employers' and Workers' delegates had to pay their own expenses, and the fact that a number of governments are not sending tripartite delegations to this regional conference and others are not fulfilling their obligation to pay the travel and subsistence expenses of Employers' and Workers' delegates and advisers,

Aware that there are governments which do not comply with obligation to appoint delegates in agreement with the most representative organisations of employers and workers, and that there are others that demand lists of candidates from which the government may make a choice, which is contrary to the provisions of the Constitution of the International Labour Organisation,

Nevertheless, aware that compliance with the constitutional obligation to pay the travel and subsistence expenses of Government, Employers' and Workers' delegates and advisers to sessions of the International Labour Conference represents a very heavy burden for many countries that are distant from Geneva,

Firmly supporting the decision of the Governing Body of the International Labour Office to establish a working party to examine proposals for the amendment of article 13 of the Constitution with a view to permitting the inclusion in future budgets of provisions for the financing of complete tripartite delegations from certain member States, as well as to examine the possibility of amending article 4 of the Constitution so as to withdraw all voting rights from incomplete delegations to Conferences of the ILO, with a view to including these questions on the agenda of a future session of the International Labour Conference;

Invites the Governing Body of the International Labour Office—

(a) to request the governments of American States—

- (i) to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);
- (ii) to establish and strengthen permanent tripartite bodies at the national level, and where possible at the regional level, ensuring the fullest respect for the principles of equality, fair treatment and autonomy of each group;
- (iii) to send to the International Labour Conference and to Conferences of American States Members of the International Labour Organisation delegations which are

representative, tripartite and balanced as to the number of their participants, paying the expenses of each of the participants;

(b) to request the Director-General of the International Labour Office—

- (i) to carry out a study of the practice of tripartism in the States of the American region;
- (ii) to continue studies examining the extent to which, and the reasons for which, some member States of the American region do not comply with their obligation to send tripartite delegations to the International Labour Conference or to regional conferences, paying their travel and subsistence costs, and the measures that might be taken to remedy this situation, and to inform the next session of the Inter-American Advisory Committee of the results of these on-going studies;

- (iii) to use all the means available to him to draw the attention of the governments of member States to their constitutional obligation to pay the travel and subsistence expenses of delegates to the International Labour Conference; and in the case of governments that have not sent full tripartite delegations to the 12th Conference of American States Members of the ILO, to draw their attention to the importance of sending full tripartite delegations to future sessions;

(c) to complete as early as possible the work of examining the possibility of amending article 4, paragraph 2, and article 13, paragraph 2, of the Constitution of the ILO aimed at encouraging and facilitating the representation of member States at the annual sessions of the International Labour Conference by full tripartite delegations.

Resolution concerning occupational health and safety

The 12th Conference of American States Members of the International Labour Organisation,

Having met in Montreal from 18 to 26 March 1986,

Recalling the resolution concerning the improvement of working conditions and environment and the conclusions concerning future action in the field of working conditions and environment, adopted by the 70th Session of the International Labour Conference in 1984,

Underlining the need for exercising effective supervision over the use of dangerous substances and for existing systems of occupational health and safety to be strengthened and extended to all economic sectors,

Stressing in this connection the importance of training and retraining for all those who, in the context of their work, are or will be exposed to the risks emanating from mechanisation and the use of dangerous substances in industry and agriculture,

Recognising that full and active participation by workers and, where appropriate, their organisations, constitutes an essential factor in health protection and accident prevention as well as for the improvement of working conditions and the working environment,

Welcoming the increased efforts undertaken by the International Labour Office with a view to the strengthening and improvement of its activities in the field of major hazard prevention and control related to the use of dangerous substances and production processes,

Emphasising the growing relevance and importance of the provisions laid down in the existing international labour related to the improvement of occupational health and safety in industry and in the rural sector,

Welcoming the present assessment by the Governing Body of the need for revised or further standard setting in this area;

1. Requests the Governing Body of the International Labour Office to call upon all member States and in particular those in the American region—

- (a) to incorporate the objectives of an improvement of the working environment and occupational health and safety in all pertinent aspects of their economic and social policies;
- (b) to ratify and effectively apply the international labour instruments specifically related to occupational health and safety, in particular the Guarding of Machinery Convention, 1963 (No. 119), the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), and the Occupational Safety and Health Convention, 1981 (No. 155), and to implement the relevant Recommendations;
- (c) to further enact and enforce adequate legislation and guide-lines for the establishment of safety and health standards and conditions in relation to the manufacture, import, export,

sale, handling and use of chemicals and machinery and to ensure the active participation of workers' and employers' organisations in the drawing up and supervision of such provisions;

- (d) to take special measures for the safe use of those highly hazardous substances and processes that may have nefarious effects on the health of the workers concerned or on the general environment and, where possible, the eventual replacement of such substances and processes by others that have been proven to be less hazardous;
- (e) to ensure that national programmes for vocational training, apprenticeship training and higher professional training devote adequate attention to the questions of occupational health and safety and the working environment.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General—

- (a) to further strengthen the International Labour Office's technical co-operation and standard-setting activities for the improvement of the working environment and occupational health and safety in the American region and to reinforce in this connection the International Labour Office's co-operation with other relevant United Nations agencies, in particular the World Health Organization and the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme;
- (b) to place emphasis, in the context of the International Labour Office's technical assistance and advisory services in the American region in the field of training for workers and employers, labour inspection and workers' education, on problems and requirements with regard to occupational health and safety.

3. Calls on the Governing Body of the International Labour Office—

- (a) to examine the possibility of including the question of the use of chemical fertilisers and pesticides in agriculture on the agenda of a future session of the International Labour Conference;
- (b) to give full effect to the recommendations contained in the operative part of the resolution concerning the promotion of measures against risks and accidents arising from the use of dangerous substances and processes in industry, which was adopted by the International Labour Conference at its 71st (1985) Session, as well as to the recommendations made by the subsequent Tripartite Ad Hoc Meeting of Consultants on Methods of Prevention of Major Hazards in Industry.

Resolution concerning growth and employment

The 12th Conference of American States Members of the International Labour Organisation,

Having met in Montreal from 18 to 26 March 1986,

Considering that economic growth is the most effective means of stimulating the creation of new productive employment, which will of necessity directly result in a rise in the standard of living of most of the population and a strengthening of national economies,

Considering also that sustained employment growth requires conditions favourable to productive investment,

Considering that small- and medium-sized enterprises, whether rural or urban, are a vital factor in the creation of new employment opportunities, given their dynamism and importance,

Considering lastly that rapid technological changes and sharp fluctuations on world markets demand an adaptable and efficient production structure in order to maintain a high level of employment;

1. Invites governments, in consultation with organisations of employers and workers—

- (a) to create the conditions necessary to facilitate adjustments to economic changes in order to make possible steady growth of the level of employment;
- (b) to facilitate the creation, activity and development of competitive enterprises, especially small- and medium-sized enterprises, in both the rural and the urban sector;
- (c) to improve the functioning of the labour market in order to facilitate employment creation;
- (d) to provide adequate technical and vocational training for young people and retraining for workers affected by change.

2. Requests the Governing Body of the International Labour Office to strengthen the training programmes of the International Labour Office which contribute directly to steady employment creation, with special attention to small- and medium-sized enterprises in the rural and urban sector, utilising, where possible, tripartite mechanisms.

Resolution concerning growth, development and foreign debt

The 12th Conference of American States Members of the International Labour Organisation,

Having met in Montreal from 18 to 26 March 1986,

Recalling the Declaration of Philadelphia and its solemn commitment that it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies in the light of their contribution to the achievement of the fundamental objective that all human beings should have the right to pursue their material and spiritual development in conditions of freedom and dignity, of economic security and equal opportunity,

Recalling the Declaration of Principles and Programme of Action adopted by the World Employment Conference of the International Labour Organisation in 1976, which set forth national and international policies for economic and social development, employment creation and eradication of poverty, and the resolution concerning the strengthening of action for the least developed countries, adopted by the International Labour Conference at its 70th Session in 1984,

Believing that a realistic solution must be found to the international debt crisis, which remains a formidable obstacle to the process of economic and social recovery, particularly in Latin America and the Caribbean,

Expressing deep concern that this situation has led to a rapid spread of poverty and unemployment in these countries,

Bearing in mind the serious deterioration in the terms of trade for some countries in the region, which has resulted in their ceasing to receive a significant level of income, thereby seriously compromising their development,

Recognising that it is important for debtor countries to adopt comprehensive macro-economic and structural policies to reduce inflation and promote growth,

Recognising further that without growth, which permits resources to accumulate faster than debt, there can be no effective solution to the debt problem,

Bearing in mind that at the 40th (1985) Session of the General Assembly of the United Nations deep and widespread concern was expressed at the negative impact of the debt crisis on the development process and international stability, as well as on the attainment of the goal of international co-operation in the solution of economic and social problems set forth in the United Nations Charter,

Considering that austerity measures should avoid putting under severe strain the democratic institutions in some countries,

Emphasising that structural adjustment requires the active co-operation and participation of all groups in society and that effective tripartite co-operation between governments and employers' and workers' organisations is of fundamental importance in this regard,

Noting with interest recent proposals by a number of governments in the region for improving dialogue between debtor and creditor countries and creating a framework for adjustment with growth;

1. Supports the initiatives taken by the International Labour Office for the strengthening of its relations and co-operation with the international financing institutions and welcomes in this connection its plans to convene an important tripartite Meeting on Employment, Structural Adjustment and Equity.

2. Requests the Governing Body of the International Labour Office to call upon all member States—

(a) to ensure that their policies for economic recovery and development are geared towards economic growth and reduced barriers to trade and encouraging investments and financial flows in order to reduce high unemployment and minimise the burden of the crisis affecting the least privileged groups in society;

- (b) to further encourage steps with a view to stabilising the main international currencies, as well as reducing interest rates and negotiating a strategy for debt payments;
- (c) to introduce the necessary internal structural and financial reforms so as to allow the indebted countries to fully participate in the process of world-wide economic growth within an open market in which the terms of trade are equitable, maintaining and increasing market access for the exports of developing countries;
- (d) to maintain and, where possible, increase the volume of development assistance to the developing countries so as to allow the latter to fully participate in the process of world-wide economic growth.

3. Requests the Governing Body of the International Labour Office to call upon member States in the developing world, and in particular the main debtor countries, to take steps to improve the human and physical infrastructure needed for the adequate absorption and efficient utilisation of external resources and in particular to significantly extend training and education programmes.

4. Invites the Governing Body of the International Labour Office to instruct the Director-General—

- (a) to request the international financial agencies in close consultation with the International Labour Organisation to take fully into account the social and political dimensions of the policies they advocate to countries needing their help and that these agencies be aware of the key part that the expansion of employment and the protection of income must have on any strategy to promote stable economic and social development;
- (b) to remind member States of the need to consult the representative workers' and employers' organisations on the elaboration and implementation of all aspects of economic and social development programmes.

Petroleum Committee

(Tenth Session, Geneva, 9–17 April 1986)

CONCLUSIONS, RESOLUTIONS AND CLASSIFICATION ADOPTED

Conclusions (No. 75) concerning Occupational Safety and Health and the Working Environment in the Petroleum Industry¹

The Petroleum Committee of the International Labour Organisation,
Having met in Geneva, in its Tenth Session, from 9 to 17 April 1986,
Having discussed the report (Report II) entitled *Occupational Safety and Health and the Working Environment in the Petroleum Industry*, prepared by the International Labour Office;
Adopts, this seventeenth day of April 1986, the following conclusions:

General considerations

1. Considerable progress has been made in the petroleum industry in the field of prevention of occupational hazards and diseases. While modern techniques and new processes introduced into the workplace have eliminated or reduced certain hazards and increased and improved productivity, they have also sometimes created new—or have increased the potential for—other hazards. This has been largely a result of the increasing tendency to seek oil and gas in regions of the world characterised by severe climate, a hostile environment and a geographical location remote from acceptable amenities. It is due also to the trend to drill deeper involving the use of new and heavier equipment, dealing with greater pressure and the introduction of new chemical substances.

2. The importance of co-operation between employers, workers and their representatives² in the field of occupational safety and health and of the prevention of hazards in the petroleum industry as referred to in the Occupational Safety and Health Convention, 1981 (No. 155), and in the resolution concerning the promotion of measures against risks and accidents arising out of the use of dangerous substances and process in industry, adopted by the International Labour Conference in 1985, is reaffirmed. Joint action by employers, workers and their representatives is important in implementing safety and health standards. Such joint action should support the development of more precise and effective standards and enforcement machinery. Emphasis should be given to setting up occupational safety and health committees as well as to designating workers' safety and health representatives who, with appropriate training, have a responsibility, among other things, for the surveillance of the workplace.

3. Technological developments in the petroleum industry have led to modernisation, increased productivity and improved safety and health at work. However, great care should be taken to ensure that whatever changes are made and regardless of the causation, including fluctuating oil revenues, de-manning and extended hours of work, there should be no lowering of health, safety and maintenance standards.

4. The international character of the petroleum industry requires consideration of international standards of occupational safety and health. All enterprises operating in more than one country should consider the development of a consistent set of safety objectives and standards, applicable world-wide.

¹ Unanimously adopted.

² For the purpose of these conclusions, the term "representatives of workers" is to be defined by reference to Article 3 of the Workers' Representatives Convention, 1971 (No. 135). Article 3 states that the term "workers' representatives" means persons who are recognised as such under national law or practice, whether they are—

(a) trade union representatives, namely, representatives designated or elected by trade unions or by the members of such unions; or

(b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned.

Occupational safety and health legislation and enforcement

5. In accordance with national practice, governments should, in tripartite consultation and after consultation with other interested bodies, establish national policies, legislation and standards on occupational safety and health in the petroleum industry, supplemented by regulations, codes of practice and guide-lines. The legislation should deal with all aspects of the petroleum industry. The legislation should apply to all workers involved in the industry both on-shore and offshore, including those employed by contractors and subcontractors. Employers should require that contractors and subcontractors abide by such requirements. The Committee supports the Conclusions on occupational health and safety adopted by the Inland Transport Committee and notes its conclusions in relation to the petroleum industry at their meeting in 1985.

6. Governments should both improve the co-ordination between the different enforcement bodies and secure the application and enforcement of legislation in the petroleum industry by an adequate and appropriate system of inspection independent of external influence and staffed by a sufficient number of well-trained inspectors.

7. Developing countries should have available to them information on existing legislation in other countries and should, as a matter of urgency, seek to adapt such standards to their own requirements.

Occupational safety and health statistics

8. Statistics on accidents and diseases constitute an important tool for developing preventive measures. Government institutions concerned as well as employers' and workers' organisations should increase their efforts particularly to improve the collection of basic data, the harmonisation of definitions, procedures for notification as well as for recording, analysing and interpreting data so as to make them comparable as far as possible at both the national and international levels.

9. Statistics should serve for the implementation of measures to reduce the recurrence of accidents and diseases, to demonstrate where prevention is lacking and to introduce preventive measures by the employers. Such statistics should be compiled and published in terms of the Labour Statistics Convention, 1985 (No. 160) and workers should have access to this information.

10. National policy for the control of work-related diseases should not be based on statistics alone in view of the possible lengthy time lag between harmful exposure and the manifestation of certain diseases. Therefore, national policy should be based on the definition of health as expressed in the Occupational Safety and Health Convention, 1981 (No. 155). The application of preventive measures should be undertaken before situations arise where the human effects of exposure to harmful substances become manifest.

Prevention of occupational hazards

11. In order to ensure a safe working environment, standards should be aimed at the prevention of occupational diseases and accidents. Process and engineering design should incorporate ergonomic and engineering principles directed towards ensuring safe operations at all stages of development.

12. It is accepted that psycho-social problems can be found on off-shore installations and in isolated areas and therefore the need for joint consultations to identify problems which might exist is emphasised.

13. Attention should be paid to potential new hazards associated with the petroleum industry. Such potential hazards may be the result of the expansion of the industry into new environments where extreme climatic conditions are encountered and extensive transport of workers to the site is involved, in addition to the new chemical and physical methods being deployed.

14. In view of the many new developments in the petroleum industry, continuing research in occupational safety and health is needed, especially in the following areas:

- diving and underwater operations;
- psycho-social problems in offshore and other isolated areas, with particular emphasis on the need to attribute such problems to specific causes and to develop suitable measurement systems;

- effects of occupational exposure, including toxic substances, through epidemiological and other studies;
- occupational safety and health practices;
- subcontracting and its impact on occupational safety and health;
- implications of fluctuating oil revenues for occupational safety and health.

Education and training

15. Education and training are vital elements in promoting safety and health in the petroleum industry and are required at all levels. In line with Convention No. 155, governments, in tripartite consultation within the petroleum industry at the national level and linked with bipartite consultation at enterprise and operating unit level, should formulate, implement and periodically review a relevant national policy on the education and training required. National laws or regulations are required to ensure that adequate safety training is available at each operating unit.

16. Given the global scope of the petroleum industry, standards of education and training should be developed to an internationally acceptable level for the transient workers in the industry. Special measures should be taken to assist education and training programmes in developing countries.

17. The particular training needs of workers on offshore installations and those working under difficult and hostile conditions should be satisfied. The problem of training of personnel employed by contractors and subcontractors requires special attention.

18. Workers can be trained and advised by their trade unions and can submit their views on occupational safety and health issues, where appropriate, and in accordance with national law and practice through appointed representatives. To ensure the safest possible environment in the petroleum industry, workers' safety committee members and safety representatives need to be trained properly in occupational safety and health.

19. Within agreed limits and in accordance with national law and practice, provision should be made for workers to participate without loss of pay in relevant occupational safety and health training courses organised by trade unions. The content of such training should be the subject of consultation with the employer.

Role of employers and workers and their organisations

20. The need to adopt a practical, pragmatic and positive attitude towards occupational safety and health and working conditions is emphasised. This requires close co-operation between employers' and workers' groups.

21. There should be arrangements at the level of the undertaking under which workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to inquire into, and are consulted by the employer on, all aspects of occupational safety and health associated with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking.

22. Workers and workers' representatives should have the right to be informed of the potential hazards involved in their work and should have a possibility to participate in the formal inspection of worksites. They should also abide by occupational safety and health instructions aimed at protecting them from occupational accidents, injuries and illnesses. Workers' representatives and safety committees must be fully protected by law and regulations from any disciplinary measures in carrying out the responsibilities under occupational safety and health legislation in line with Article 5(e) of Convention No. 155.

23. Application of the principles laid down in Convention No. 155 and accompanying Recommendation (No. 164) will ensure action at the level of the undertaking:

- (a) by the employers with regard to safety of equipment and processes, protection of workers against injury at work, and occupational health services or similar facilities; and
- (b) by the workers and their representatives in co-operating with the employers in the fulfilment of the obligations placed upon the latter. Such co-operation should include the duty to attend training courses organised by employers, the right of a worker to report forthwith to his immediate supervisor situations where imminent danger to life and health

is believed to exist and the remedial action needed to be taken by the employer before the worker is required to resume work as laid down in Articles 13 and 19 (*f*) of Convention No. 155.

Future ILO action

24. Existing systems of reporting occupational injuries in different countries have demonstrated the difficulty of establishing a comparable review of the situation in the petroleum industry throughout the world. The ILO should, together with the WHO and other international organisations concerned, continue its efforts to harmonise procedures for the notification and recording of work injuries. In addition, the ILO and the WHO should focus attention on the epidemiology of work-related accidents and diseases.

25. The ILO should contribute to world-wide dissemination of information on existing national legislation concerning occupational safety and health pertaining to the petroleum industry and exposure to harmful substances. It should also provide assistance, particularly to developing countries, at their request, in the adaptation and implementation of such legislation, as required.

26. The ILO should compile data on internationally recognised training courses on occupational safety and health and make them available to employers' and workers' organisations in order to facilitate access to appropriate information on the training needs of workers, special consideration being given to offshore work.

27. The ILO, taking full account of relevant work carried out by other international organisations should, as a matter of urgency, convene a tripartite meeting of experts on diving and underwater operations with a view to recommending complete implementation of internationally acceptable standards.

28. This Committee endorses the recommendations adopted by the ILO Tripartite Ad Hoc Meeting of Consultants on Methods of Prevention of Major Hazards in Industry (Geneva, October 1985), and urges the ILO to implement these recommendations as a priority.

Conclusions (No. 76) concerning Manpower Planning and Development in the Petroleum Industry¹

The Petroleum Committee of the International Labour Organisation,
Having met in Geneva, in its Tenth Session, from 9 to 17 April 1986,
Having discussed the report (Report III) entitled *Manpower planning and development in the petroleum industry*, prepared by the International Labour Office;
Adopts, this seventeenth day of April 1986, the following conclusions:

General considerations

1. Present manpower issues in the petroleum industry have to be considered in the light of the uncertainty inherent to the industry. Manpower supply and demand, working conditions and social implications vary considerably among countries. In some developing countries the industry has continued to expand, but in many countries the trend is downward. Manpower planning and development should be a constant priority for member States and should be a tripartite concern.

2. Industrial relations in the industry, and linkages, including international ones, have been built up over the years. There are many examples of mutual assistance, including training, in industrialised market economies, centrally-planned economies and developing economies. Although there is confidence in the medium- and long-term development of the sector, structural changes and the emergence of new activities and enterprises should be carefully assessed so as to allow the continuation of the positive contributions of the social partners to manpower development and utilisation.

3. The challenges which the industry is facing are not only the result of general economic factors, but are also created by the rapidly changing technologies in exploration, production and

¹ Unanimously adopted.

refining. There is also an increasing participation of public authorities in the industry as well as increased linkages between petroleum development and the welfare of the communities. These challenges, and the necessarily quick action required, increase the need for substantive and continuous tripartite consultations at all appropriate levels.

Manpower planning methodologies

4. In order to adapt manpower to the skill requirements resulting from organisational developments and technical restructuring, enterprise level manpower planning should be closely co-ordinated with macro, socio-economic development planning and labour market policies. The search for new approaches should take into account the limitations of long-term and aggregated planning techniques as well as the inevitable delays and changes between planning and implementation. More attention should be paid to the monitoring of present and prospective manpower and skill profiles, including the advent of multi-skilling, in relation to local labour market functioning.

5. The complexity of the decision-making process in the petroleum industry is increasing. More parties, particularly public authorities, are involved. In addition, national practices have evolved rapidly whereby manpower and development issues are increasingly linked to the planning of other resources and products. Increased efforts should be made to provide factual and analytical information on present and planned developments to the social partners with due recognition of the confidential and preliminary nature of these data and the dynamic nature of the industry.

6. In all countries there is a continuous upgrading of national training facilities. The industry has, world-wide, a long tradition of in-service and other forms of training. Concerted tripartite action should ensure that the different forms of training interact in an optimal manner.

7. The petroleum industry continues to be a leader in introducing technological change. The pace and the scope of technological progress have increased with possibly potentially significant consequences for skills, working conditions and environmental impact. Governments, employers' organisations and workers' representatives and their organisations¹ should, in accordance with national law and practice, co-operate in the development of adjustment process related to technological progress, manpower assessment and skill requirements and the consequent need for training and retraining in new skills.

8. Recognising that subcontracting, service arrangements and joint ventures and features of the industry, particularly in some petroleum-producing countries, such activities should essentially remain supportive to the development of the industry and should be specific in nature. Within the context of national legislation and practice, subcontracting should essentially be regarded as a means of providing support to operational functions rather than substituting for these functions. Terms and conditions of employment should take into consideration national laws and practices and those conditions in force in the appropriate industry in each country.

9. Replacement of foreign by qualified local personnel and the mastering of modern technology remain important objectives of manpower planning and development in many countries. Considerable progress has been made in many countries in the systematic development and utilisation of skilled local manpower and productive capacity. However, skilled manpower for the industry continues to be subject to international demand and supply. Such migratory flows could contribute to the optimal development of the industry. Where appropriate, governments could make efforts to encourage the contribution of highly skilled foreign personnel to the development of the industry and could accordingly facilitate migratory flows for this purpose.

Consultations

10. Manpower planning, training, productivity and other matters are increasingly the subject of consultation and co-operation between public authorities and employers' organisations and workers' representatives and their organisations at the industrial and national levels. These practices are in many countries supported by law. In some countries it is obligatory to give information at the national level on international activities of enterprises. The ILO has made

¹ For the purpose of these conclusions, the terms "employers' organisations" and "workers' representatives and their organisations" are to be defined by reference to Conventions Nos. 87 (Article 10) and 135 (Article 3).

specific recommendations concerning consultation on these matters, as in the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), and the Communications within the Undertaking Recommendation, 1967 (No. 129). These national practices and international instruments should be taken into account by member States for the promotion of petroleum development.

11. Multinational enterprises have considerable experience in active manpower planning. The ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy promotes information flows and regular consultation concerning manpower plans, in accordance with national laws and practice. Governments, employers' organisations and workers' representatives and their organisations should actively promote manpower planning and development through this framework.

12. Structural changes, economic conditions and technological innovations will increasingly determine developments in the industry. The complexity of the activities and the integration of different components in the petroleum industry should be accompanied by improved personnel management and social interaction of the partners, based on reliable and timely information, sound industrial relations and regular consultations at different levels in the sector and its enterprises.

13. Some progress has been made in the field of regional co-operation in petroleum development, including manpower training and related aspects. These activities comprise increasingly valuable assistance among developing countries. This trend should be encouraged, and tripartite technical consultations could promote this.

Manpower planning in developing countries

14. It is difficult to generalise about the development of the petroleum industry in developing countries. Considerable efforts have already been made to upgrade the technical and managerial capacity of national petroleum enterprises, often with the help of multinational enterprises. Increasingly organisations and enterprises from countries advanced in petroleum development, including centrally planned economies and developing countries, are active in this field. The ILO and other United Nations organisations have made valuable inputs. Governments of many developing countries, in co-operation with the social partners, should make greater use of these opportunities in order to develop manpower planning in the petroleum industry.

15. In some developing countries, the technological and other challenges facing the industry have led to special emphasis being given to technical and scientific skill development. However, in some instances the managerial and administrative ability needed to accompany these changes and to promote integrated sectoral development is insufficiently developed in both national enterprises and administrations. Governments, with active participation of employers' organisations and workers' representatives and their organisations, should encourage efforts to increase the availability of skilled personnel in all areas of petroleum activities.

16. Multi- and bilateral technical assistance should be of a practical nature. Training on the basis of innovative practices, including functioning with operational responsibility at the workplace, should be promoted. Technical assistance in related areas, including labour administration, should be actively pursued.

Future ILO action

17. Governments and employers' and workers' organisations should actively promote the implementation of international standards, in particular the ILO's pertinent recommendations in respect of training, retraining and other aspects of employment. Better use should be made of ILO technical assistance, aiming at improving manpower planning and development, and assessment of social implications in petroleum sector development.

18. The ILO should promote the exchange of information on the issues raised by the Petroleum Committee. In particular, more in-depth country studies should be undertaken by the ILO of the manpower, employment and social effects of subcontracting and similar practices in the industry, as well as the effects of technological change on manpower and skills in petroleum activities.

Resolution (No. 77) concerning labour migration in the petroleum industry¹

The Petroleum Committee of the International Labour Organisation,
Having met in Geneva, in its Tenth Session, from 9 to 17 April 1986,

Considering the great importance attached by many ILO member States to the migration of labour as a means of stimulating national development, both in sending and receiving countries,

Considering also that migration of labour constitutes a significant source of manpower in many petroleum-producing countries,

Recognising that international labour migration constitutes an important aspect of co-operation among developing countries (TCDC),

Emphasising that overseas employment of workers must be based on strict and effective measures to safeguard against abuses and exploitation of migrant workers, both in countries of origin and in countries of employment,

Noting that the migration of workers continues to take place in the petroleum industry, and that recruitment agencies are often used in such circumstances and when uncontrolled could give rise to practices that might have grave consequences for the workers as well as for the employers and government authorities in the countries of employment,

Considering that the present world economic crisis has recently caused the early return of significant numbers of migrant workers in the petroleum industry, thereby often jeopardising the economic and social situation of the workers concerned as well as of some countries of origin;

Adopts this seventeenth day of April 1986 the following resolution:

The Petroleum Committee invites the Governing Body of the International Labour Office to call upon the governments of member States to ratify and apply the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Maintenance of Social Security Rights Convention, 1982 (No. 157), and, pending their ratification, to ensure that the principles laid down in these Conventions are observed.

Furthermore invites the Governing Body of the International Labour Office to request the Director-General:

- (a) to devote adequate attention to the problems arising from the accelerated return of migrants from the petroleum industry to the countries of origin in the context of the ILO's relevant activities;
- (b) to organise regional tripartite meetings of experts to examine specific problems and priorities related to the phenomenon of labour migration in the petroleum industry;
- (c) to consider the question of labour migration in the petroleum industry in the context of his general report to the Eleventh Session of the Petroleum Committee.

Resolution (No. 78) concerning multinational enterprises in the petroleum industry¹

The Petroleum Committee of the International Labour Organisation,
Having met in Geneva, in its Tenth Session, from 9 to 17 April 1986,

Considering that in 1977 the Governing Body of the ILO adopted a Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy,

Noting the impact of multinational enterprises on employment and working conditions in all parts of the world and in the petroleum sector in particular,

Welcoming the request by the Governing Body to governments of ILO member States to follow up the application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy,

Noting the increase in the number of mergers in the petroleum industry,

Considering that petroleum companies are today energy producers through widespread investment in utilities, mining, gas and thermal energy production;

¹ Unanimously adopted.

Adopts this seventeenth day of April 1986 the following resolution:

The Petroleum Committee invites the Governing Body of the International Labour Office to:

- (a) use every means to promote the full application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and to provide for means to ensure that future meetings of the Petroleum Committee are informed of progress made in its full implementation (employment, training, conditions of work and life and industrial relations);
- (b) emphasise the necessity of full implementation of the Tripartite Declaration concerning Multinational Enterprises and Social Policy;
- (c) instruct the Director-General to update the study entitled *Social and labour practices of multinational enterprises in the petroleum industry* and to include the question of how these enterprises adhere to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

Resolution (No. 79) concerning future work of the International Labour Organisation in the petroleum sector¹

The Petroleum Committee of the International Labour Organisation,

Having met in Geneva, in its Tenth Session, from 9 to 17 April 1986,

Considering that the Petroleum industry represents an important economic activity in many countries, that it plays a significant role in the satisfaction of basic needs defined by the ILO as well as in the direct and indirect creation of employment in industry,

Emphasising the rapidly changing patterns of work and production in this vital industry and the serious manpower implications of the introduction of new technologies and of shifting patterns of production world-wide in the petroleum and natural gas production sectors,

Considering that freedom of association, as a basic human right, should be respected in all ILO member States,

Considering that the effective implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Workers' Representatives Convention (No. 135) and Recommendation (No. 143), 1971, is of vital importance for the petroleum sector,

Adopts this seventeenth day of April 1986 the following resolution:

The Petroleum Committee invites the Governing Body of the International Labour Office to:

- (a) follow as closely as possible the developments of the petroleum industry and, for this purpose, to convene at the earliest opportunity and not later than 1990 the Eleventh Session of the Petroleum Committee;
- (b) consider the following subjects for inclusion as technical items on the agenda of the Eleventh Session of the Committee:
 - employment conditions in the petroleum industry, including shift work and flexibility of work tasks;
 - labour relations in the petroleum industry, including freedom of association;
- (c) ensure that the ILO, through its Petroleum Committee, will devote greater attention to the employment and labour problems of the workers employed in the natural gas production sector of the petroleum industry.

Resolution (No. 80) concerning freedom of association in the petroleum industry¹

The Petroleum Committee of the International Labour Organisation,

Having met in Geneva, in its Tenth Session, from 9 to 17 April 1986,

Considering that, while freedom of association and the right of workers and employers to organise are recognised as basic human rights, some workers in the petroleum industry do not enjoy these basic human rights,

¹ Unanimously adopted.

Considering that a significant number of ILO member States have not yet ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98),

Considering that the application in the petroleum industry of these Conventions sometimes remains unsatisfactory, as the instances of violations of these basic rights documented by the ILO Governing Body Committee on Freedom of Association show,

Recalling Resolution No. 74 concerning the principle of recognition of independent and free trade unions in the petroleum industry, unanimously adopted by the Ninth Session of the Petroleum Committee,

Adopts this seventeenth day of April 1986 the following resolution:

The Petroleum Committee calls upon the Governing Body of the International Labour Office to:

- (a) reaffirm Resolution No. 74 concerning the principle of recognition of independent and free trade unions in the petroleum industry, unanimously adopted by the Ninth Session of the Petroleum Committee which called upon the Governing Body of the International Labour Office to reaffirm the principle of freedom of association and the consequent right of petroleum workers to be represented by freely elected and independent trade unions of their own choosing without interference on the part of governments or management, whether of public or private enterprises, and to urge governments to ratify and fully implement the basic ILO Conventions, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- (b) recognise that the existence of fully effective and freely elected independent workers' representatives, as defined in Article 3 of Convention No. 135, as well as employers' organisations, is a prerequisite for meaningful tripartite consultation in all member countries and that only on this basis will such workers' representatives, together with employers, be able to play their constructive role in the development of the petroleum industry;
- (c) take account of the particular need to fully apply the principles of Resolution No. 74 (1980) in States with a petroleum industry where freedom of association is not universally applicable to workers.

Resolution (No. 81) concerning the present situation in the petroleum industry and its consequences for the workers¹

The Petroleum Committee of the International Labour Organisation,

Having met in Geneva, in its Tenth Session, from 9 to 17 April 1986,

Noting with concern the present instability in the petroleum industry in those countries in which it operates,

Noting also the effects of this situation on employment and on living and working conditions for some petroleum industry workers,

Noting that new technologies are essential but in some cases may affect living standards and employment levels in this important sector,

Emphasising the importance of employment in the petroleum industry,

Adopts this seventeenth day of April 1986 the following resolution:

The Petroleum Committee invites the Governing Body of the International Labour Office:

- (a) to take advantage of its tripartite structure to draw the attention of governments and employers to the current situation of instability in the petroleum industry and its potential social and labour effects on petroleum workers;
- (b) to invite the parties concerned to hold consultations at the appropriate levels when new technologies are introduced; these consultations should include measures to mitigate adverse social effects resulting from the introduction of new technology;
- (c) to undertake a study on the introduction of new technologies in the petroleum industry.

¹ Unanimously adopted.

Classification of the Conclusions and Resolutions Adopted by the Petroleum Committee at its Nine Previous Sessions^{1,2}

Section I: Conclusions and resolutions, or parts thereof, calling for action in the various countries

Group A: *Conclusions and resolutions, or parts thereof, which are no longer of current concern*
None

Group B: *Conclusions and resolutions, or parts thereof, which for the time being would not appear to call for further information*

- No. 9 Resolution concerning promotion (First Session)
- No. 12 Resolution concerning recruitment (Second Session)
- No. 16 Resolution concerning hours of work in the petroleum industry (Second Session)
- No. 17 Resolution concerning rest periods in the petroleum industry (Second Session)
- No. 19 Resolution concerning minimum wages in the petroleum industry (Second Session)
- No. 23 Statement concerning industrial relations in the petroleum industry (Second Session)
- No. 25 Resolution concerning permanent housing for petroleum workers (Third Session)
- No. 27 Resolution concerning preventive medicine (Third Session)
- No. 28 Resolution concerning health services (Third Session)
- No. 29 Memorandum on education (Third Session)
- No. 30 Resolution concerning general basic education (Third Session)
- No. 37 Memorandum concerning social services in the petroleum industry (Fourth Session)
- No. 38 Resolution concerning principles and methods used in determining wages in the petroleum industry (Fourth Session)
- No. 45 Memorandum concerning human relations in the petroleum industry (Fifth Session)
- No. 49 Conclusions concerning trade union organisation in the petroleum industry (except paragraphs 5 and 10) (Sixth Session)
- No. 50 Conclusions concerning employer-employee communication in the petroleum industry (except last paragraph of Part 5) (Sixth Session)

Group C: *Conclusions and resolutions, or parts thereof, on which further information is considered desirable*

- No. 44 Resolution concerning conditions of employment of contract labour in the petroleum industry (Fifth Session)
- No. 49 Conclusions concerning trade union organisation in the petroleum industry (paragraph 5) (Sixth Session)
- No. 56 Conclusions concerning social consequences of structural and technological changes in the petroleum industry (except paragraphs 34 and 35) (Seventh Session)
- No. 57 Conclusions concerning vocational training for workers, supervisory and technical personnel in the petroleum industry, with particular reference to the needs of industrially less advanced countries (Seventh Session)
- No. 63 Resolution concerning freedom of association in the petroleum industry (Seventh Session)
- No. 65 Conclusions concerning social problems of contract, subcontract and casual labour in the petroleum industry (Eighth Session)
- No. 66 Conclusions concerning occupational safety and health in the petroleum industry in the light of technical change (except paragraphs 15, 16, 19 and 20) (Eighth Session)

¹ The following texts are outdated, superseded or implemented, or have already been considered terminated at previous sessions of the Committee and are eliminated from the classification: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 18, 21, 22, 24, 26, 31, 32, 34, 35, 36, 39, 40, 41, 42, 43, 46, 47, 48, 51, 52, 53, 55, 60, 62, 64, 69 (paragraph 2), 70 (paragraph (b)) and 73 (Part III).

² Adopted unanimously.

- No. 69 Resolution concerning an ILO programme of activities in the petroleum industry (Paragraph 3) (Eighth Session)
- No. 70 Resolution concerning multinational enterprises in the petroleum industry (paragraph (c)) (Eighth Session)
- No. 71 Conclusions concerning the training of nationals as technicians and workers in the petroleum industry of developing countries, including continuous training and retraining in the light of technological progress (except paragraph 31) (Ninth Session)
- No. 72 Conclusions concerning working conditions and working environment in the petroleum industry, including offshore activities (except paragraph 19) (Ninth Session)

Section II: Conclusions and resolutions, or parts thereof, to which effect is to be given mainly by the Office

Group A: Conclusions and resolutions, or parts thereof, which are no longer of current concern to the Office

- No. 20 Resolution concerning the appointment of complete delegations (Second Session)
- No. 56 Conclusions concerning social consequences of structural and technological changes in the petroleum industry (paragraphs 34 and 35) (Seventh Session)

Group B: Conclusions and resolutions, or parts thereof, which should continue to receive the attention of the Office

- No. 13 Resolution concerning training in human relations for management and workers (Second Session)
- No. 33 Resolution concerning relations between the Chemical Industries Committee and the Petroleum Committee (Third Session)
- No. 49 Conclusions concerning trade union organisation in the petroleum industry (paragraph 10) (Sixth Session)
- No. 50 Conclusions concerning employer-employee communication in the petroleum industry (last paragraph of Part 5) (Sixth Session)
- No. 54 Resolution on study of wages in the petroleum industry (Sixth Session)
- No. 58 Resolution concerning the effect to be given to the conclusions and resolutions of the Petroleum Committee (Seventh Session)
- No. 61 Resolution concerning a study of conditions of work and life of workers in the petroleum industry (Seventh Session)
- No. 66 Conclusions concerning occupational safety and health in the petroleum industry in the light of technical change (paragraphs 15, 16, 19, 20) (Eighth Session)
- No. 67 Resolution concerning the obtaining, by the International Labour Organisation, of information on the conditions of life and work of petroleum workers (Eighth Session)
- No. 68 Resolution concerning environmental problems as affected by the petroleum industry (Eighth Session)
- No. 69 Resolution concerning an ILO programme of activities in the petroleum industry (paragraph 1) (Eighth Session)
- No. 70 Resolution concerning multinational enterprises in the petroleum industry (paragraph (a)) (Eighth Session)
- No. 71 Conclusions concerning the training of nationals as technicians and workers in the petroleum industry of developing countries, including continuous training and retraining in the light of technological progress (paragraph 31) (Ninth Session)
- No. 72 Conclusions concerning working conditions and working environment in the petroleum industry, including offshore activities (paragraph 19) (Ninth Session)
- No. 73 Resolutions concerning future ILO action in the petroleum sector (Parts I and II) (Ninth Session)
- No. 74 Resolution concerning the principle of recognition of independent and free trade unions in the petroleum industry (Ninth Session).

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INTERNATIONAL LABOUR OFFICE

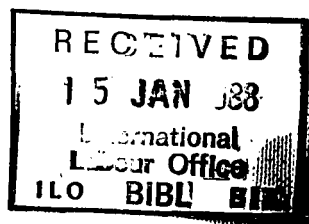
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INFORMATION

73rd Session of the International Labour Conference¹*(Geneva, 3-23 June 1987)*

The 73rd Session of the International Labour Conference was held from Wednesday, 3 June, to Tuesday, 23 June 1987, under the presidency of Mr. Haj-Hassan, Minister of Labour and Social Development of Jordan.

The agenda was as follows:

Standing items

- I. Reports of the Governing Body and the Director-General.
- II. Programme and budget proposals and other financial questions.
- III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

- IV. Employment promotion and social security (*first discussion*).
- V. Safety and health in construction (*first discussion*).
- VI. The role of the ILO in technical co-operation (*general discussion*).

The Conference also had before it a Special Report submitted by the Director-General in application of operative paragraph 5 (a) of the Declaration concerning the Policy of Apartheid in South Africa, adopted in 1981, and a report on the subject by the Governing Body Committee on Discrimination, submitted in pursuance of operative paragraph 5 (b) of the Declaration.

¹ The texts of the resolutions and other decisions adopted by the Conference appear on pp. 79-97 below. More detailed information on the proceedings of the Conference, including names of the participants, the verbatim record of plenary sittings, committee reports, etc., is to be found in the *Record of Proceedings* of the 73rd Session, which consists of the 32 issues of the *Provisional Record* and the list of delegations published in the course of the session, and a complementary part published after its close and containing, inter alia, the table of contents, a list of corrigenda and an index to speakers in plenary sitting.

Composition of the Governing Body of the International Labour Office for the period 1987-90

As a result of the elections carried out by the respective electoral colleges of the International Labour Conference on 11 June 1987, the composition of the Governing Body of the International Labour Office for the period 1987-90 is as follows:

Regular members

Government members:

Antigua and Barbuda.	Greece.
Argentina.	India. ¹
Australia.	Italy. ¹
Benin.	Japan. ¹
Botswana.	Kuwait.
Brazil. ¹	Liberia.
Burundi.	Libyan Arab Jamahiriya.
Canada.	Malaysia.
China. ¹	Sri Lanka.
Colombia.	Tanzania, United Republic of.
Cuba.	USSR. ¹
Czechoslovakia.	United Kingdom. ¹
France. ¹	United States. ¹
Germany, Federal Republic of. ¹	Yugoslavia.

Employer members:

Mr. M. Eurnekian (<i>Argentina</i>).	Mr. J.-J. Oechslin (<i>France</i>).
Mr. H. Georget (<i>Niger</i>).	Mr. T. D. Owuor (<i>Kenya</i>).
Mr. J. von Holten (<i>Sweden</i>).	Mr. A. Periquet (<i>Philippines</i>).
Mr. A. Katz (<i>United States</i>).	Mr. N. Saïd (<i>Tunisia</i>).
Mr. W.-D. Lindner (<i>Federal Republic of Germany</i>).	Mr. J. Santos Neves (<i>Brazil</i>).
Miss A. M. Mackie (<i>United Kingdom</i>).	Mr. N. H. Tata (<i>India</i>).
Mr. M. Nasr (<i>Lebanon</i>).	Mr. H. Tsujino (<i>Japan</i>).

Worker members:

Mr. H. Adiko (<i>Côte d'Ivoire</i>).	Mr. R. Mercier (<i>Canada</i>).
Mr. Ali Ibrahim (<i>Somalia</i>).	Mr. J. Morton (<i>United Kingdom</i>).
Mr. J. E. Baker (<i>United States</i>).	Mr. G. Muhr (<i>Federal Republic of Germany</i>).
Mr. S. Crean (<i>Australia</i>).	Mr. A. G. Mukherjee (<i>India</i>).
Mr. J. J. Delpino (<i>Venezuela</i>).	Mr. A. Sánchez Madariaga (<i>Mexico</i>).
Mr. M. Diop (<i>Senegal</i>).	Mr. J. Sønningsen (<i>Denmark</i>).
Mr. Y. Maruyama (<i>Japan</i>).	Mr. G. I. Yanaev (<i>USSR</i>).

¹ Members holding non-elective seats as States of chief industrial importance.

Deputy members

Government deputy members:

Bangladesh.	Nicaragua.
Byelorussian SSR.	Somalia.
Cameroon.	Sweden.
Ecuador.	Switzerland.
German Democratic Republic.	Thailand.
Guinea.	Turkey.
Iran, Islamic Republic of.	Uganda.
Lesotho.	Uruguay.
Morocco.	Venezuela.

Employer deputy members:

Mr. A. Al-Jassem (<i>Kuwait</i>).	Mr. F. Moukoko Kingue
Mr. R. H. Brillinger (<i>Canada</i>).	(<i>Cameroon</i>).
Mr. F. Díaz Garaycoa (<i>Ecuador</i>).	Mr. G. C. Okogwu (<i>Nigeria</i>).
Mr. A. Gazarin (<i>Egypt</i>).	Mr. J. de Regil Gómez (<i>Mexico</i>).
Miss C. Hak (<i>Netherlands</i>).	Mr. J. W. Rowe (<i>New Zealand</i>).
Mr. N. Kouadio (<i>Côte d'Ivoire</i>).	Mrs. L. Sasso-Mazzufferi (<i>Italy</i>).
Mr. J. M. Lacasa Aso (<i>Spain</i>).	Mr. F. C. Sumbwe (<i>Zambia</i>).
	Mr. J. Williams (<i>Barbados</i>).

Worker deputy members:

Mr. K. Ahmed (<i>Pakistan</i>).	Mr. D. T. Mendoza (<i>Philippines</i>).
Mr. M. Allini (<i>Gabon</i>).	Mr. A. Sudono (<i>Indonesia</i>).
Mr. R. A. Baldassini (<i>Argentina</i>).	Mr. J. Timmer (<i>Hungary</i>).
Mr. M. Blondel (<i>France</i>).	Mr. R. Vanni (<i>Italy</i>).
Mr. A. Chiroma (<i>Nigeria</i>).	Mr. F. Walcott (<i>Barbados</i>).
Mr. H. M. Eid (<i>Egypt</i>).	Mr. Wang Jiachong (<i>China</i>).
Mr. H. Maier (<i>Austria</i>).	Mr. N. L. Zimba (<i>Zambia</i>).

Employer and Worker substitute deputy members

Employer substitutes:

Mr. S. Al-Armouti (<i>Jordan</i>).	Mr. M. Montt Balmaceda (<i>Chile</i>).
Mr. M. Arbesser-Rastburg (<i>Austria</i>).	Mr. A. Muyumbu (<i>Burundi</i>).
Mr. P. Arets (<i>Belgium</i>).	Mr. J. A. Namata (<i>United Republic</i>
Mr. R. Décosterd (<i>Switzerland</i>).	<i>of Tanzania</i>).
Mr. M. J. Dooge (<i>Zimbabwe</i>).	Mr. B. M. Noakes (<i>Australia</i>).
Mr. W. Durling (<i>Panama</i>).	Mr. M. A. Ould Sidi Mohamed
Mr. J. Escobar Padrón (<i>Colombia</i>).	(<i>Mauritania</i>).
Mr. R. Gurdian (<i>Nicaragua</i>).	Mr. A. Pierides (<i>Cyprus</i>).
Mr. M. M. Khan (<i>Bangladesh</i>).	Mr. J. M. F. Rey (<i>Mauritius</i>).
Mr. M. A. Lounis Khodja (<i>Algeria</i>).	Mr. S. R. de Silva (<i>Sri Lanka</i>).
Mr. M. Mallia (<i>Malta</i>).	Mr. O. Toure (<i>Mali</i>).
Mr. L. C. Mah (<i>Singapore</i>).	Mr. H. G. Villalobos (<i>Venezuela</i>).

Worker substitutes:¹

Mr. M. Bonmati Portillo (<i>Spain</i>).	Mr. M. P. Sundaram (<i>Sri Lanka</i>).
Mr. W. J. Knox (<i>New Zealand</i>).	Mr. J. Cruzado Zavala (<i>Peru</i>).

¹ In order of priority.

Mr. A. M. Thaumaturgo Cortizo
(*Brazil*).
Mrs. R. Dreifuss (*Switzerland*).
Mr. F. Bleux (*Belgium*).
Mr. J. Chávez (*Ecuador*).
Mr. E. N. Mabumo (*Mozambique*).

Mr. V. David (*Malaysia*).
Mr. M. Abuzeid (*Libyan Arab
Jamahiriya*).
Mr. B. Traore (*Mali*).
Mr. M. A. Osman (*Djibouti*).
Mr. N. B. Kombo (*Zaire*).

Official measures taken regarding decisions of the International Labour Conference¹

Instrument for the amendment of the Constitution of the International Labour Organisation, 1986²

Ratifications and acceptances

In accordance with Article 3 of the Instrument for the amendment of the Constitution of the International Labour Organisation, 1986, the following ratifications and acceptances have been communicated to the Director-General of the International Labour Office:

State	Measure	Date received
Bahrain	Ratification	29 April 1987
Bangladesh	Ratification	28 May 1987
Barbados	Ratification	8 May 1987
Denmark	Ratification	19 May 1987
Equatorial Guinea	Ratification	14 May 1987
Finland	Acceptance	2 June 1987
Kenya	Ratification	29 May 1987
Kuwait	Ratification	8 May 1987
Nigeria	Acceptance	10 April 1987
Sri Lanka	Acceptance	8 April 1987
Trinidad and Tobago	Ratification	30 April 1987

The total number of ratifications and acceptances is now 16.

¹ Period covered: 1 April 1987 to 30 June 1987.

² For the text of this Instrument, see *Official Bulletin*, 1986, Series A, No. 2, p. 60.

Ratifications and denunciation of international labour Conventions and declaration concerning the application of a Convention to a non-metropolitan territory

Notice is hereby given that the Director-General of the International Labour Office has registered the undermentioned ratifications and denunciation of international labour Conventions and the declaration concerning the application of a Convention to a non-metropolitan territory. In pursuance of article 20 of the Constitution of the International Labour Organisation, particulars of these ratifications, denunciation and declaration have been communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

State	Convention	Date of registration of ratification/denunciation/declaration	Date on which ratification/denunciation/declaration will take effect
I. Ratifications			
Argentina	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	13 April 1987	13 April 1988
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	„	„
Australia	Labour Statistics Convention, 1985 (No. 160)	15 May 1987	15 May 1988
	<i>Acceptance of Articles 7-10 and 12-15 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>		
Austria	Labour Statistics Convention, 1985 (No. 160)	3 June 1987	3 June 1988
	<i>Acceptance of all the articles of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>		
Côte d'Ivoire	Labour Inspection Convention, 1947 (No. 81)	5 June 1987	5 June 1988
	Labour Inspection (Agriculture) Convention, 1969 (No. 129)	„	„
	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	„	„
		„	„

Cyprus	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	13 April 1987	13 April 1988
El Salvador	Labour Statistics Convention, 1985 (No. 160) <i>Acceptance of all the articles of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>	24 April 1987	24 April 1988
Finland	Labour Statistics Convention, 1985 (No. 160) <i>Acceptance of Articles 7-10 and 12-15 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>	27 April 1987	27 April 1988
	Occupational Health Services Convention, 1985 (No. 161)	27 April 1987	27 April 1988
New Zealand	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	5 June 1987	5 June 1988
Switzerland	Labour Statistics Convention, 1985 (No. 160) <i>Acceptance of Articles 7-10 and 12-15 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>	7 May 1987	7 May 1988
United Kingdom	Labour Statistics Convention, 1985 (No. 160) <i>Acceptance of all the articles of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>	27 May 1987	27 May 1988
Uruguay	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	22 May 1987	22 May 1988
Zaire	Social Security (Minimum Standards) Convention, 1952 (No. 102) <i>In accordance with Article 2(b) of the Convention, the obligations of the Convention have been accepted in respect of Parts V, VII, IX and X.</i>	3 April 1987	3 April 1988
	Labour Administration Convention, 1978 (No. 150)	3 April 1987	3 April 1988
	Termination of Employment Convention, 1982 (No. 158)	„	„

II. Denunciation

New Zealand	Underground Work (Women) Convention, 1935 (No. 45) ¹	23 June 1987	23 June 1988
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State	Convention	Date of registration of ratification/denunciation/declaration	Date on which ratification/denunciation/declaration will take effect
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III. Declaration

New Zealand	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) Not applicable: Tokelau	5 June 1987	—
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¹ The text of the communication concerning the denunciation by New Zealand of this Convention reads as follows:

“In accordance with the principles adopted by the ILO Governing Body, the New Zealand Government has consulted the representative organisations of employers and workers, namely the New Zealand Employers' Federation, the Federation of Labour, the Combined State Unions, and the National Advisory Council on the Employment of Women, to advise them of the Government's intentions and seek their advice and support.

“There has been full-scale support from these groups to denounce the Convention as there is a general consensus that the Convention ignores the principles of equality laid down in international human rights instruments and embodied in New Zealand law. Continued adherence to the Convention would overlook the fact that dangerous and harsh working conditions are equally harmful to men as to women, and that improvements in working conditions and changes in public attitudes and social circumstances combine to make many traditional views of women and work obsolete. Further, it is felt that women should no longer be denied access to the increased job opportunities opening up in coal mining in recent years.”

Notification of the coming into force of the Labour Statistics Convention, 1985 (No. 160)

Article 20 of the Labour Statistics Convention, 1985 (No. 160), adopted by the International Labour Conference at its 71st Session on 25 June 1985, provides that the Convention shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered.

The ratifications by Sweden and El Salvador were registered by the Director-General of the International Labour Office on 22 September 1986 and 24 April 1987 respectively. The Convention will accordingly come into force on 24 April 1988.

The present notification is made in accordance with the provisions of Article 22 of the Convention.

In conformity with article 20 of the Constitution of the International Labour Organisation, this Convention will be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

DOCUMENTS¹

Resolutions and additional texts and decisions adopted by the International Labour Conference at its 73rd Session (Geneva, 1987)

RESOLUTIONS

I

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Safety and health in construction”²

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention and a Recommendation concerning safety and health in construction;

Decides that an item entitled “Safety and Health in Construction” shall be included in the agenda of its next Ordinary Session for a second discussion with a view to the adoption of a Convention and a Recommendation.

II

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled: “Employment promotion and social security”³

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the fourth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention and a Recommendation concerning employment promotion and social security;

Decides that an item entitled “Employment Promotion and Social Security” shall be included in the agenda of its next Ordinary Session for a second discussion with a view to the adoption of a Convention and a Recommendation.

¹ This section contains the decisions of the Conference, without details of the circumstances of their adoption except where they were the result of a formal vote. The comments or reservations by delegates or groups, subject to which the decisions were taken, will be found in detail in the *Record of Proceedings* of the 73rd Session of the Conference.

² Adopted on 22 June 1987.

³ Adopted on 23 June 1987.

III

Resolution concerning the International Year of Shelter for the Homeless and the role of the ILO¹

The General Conference of the International Labour Organisation,

Considering that the world economic recession, characterised *inter alia* by unemployment, underemployment, unbalanced development, inequalities, shortage of resources and increasing poverty, has lowered people's and workers' standard of living and aggravated housing problems,

Noting that too many people—both employed and unemployed—in rural and urban areas are forced to live in subhuman conditions in slums, squatter areas and other inadequate forms of accommodation, especially in developing countries, and that the situation is deteriorating,

Expressing deep concern at the crisis in the building industry in many countries, accelerated by cuts in budget allocations and insufficient investment in housing projects, resulting in increased unemployment among workers in the building and building materials industries,

Bearing in mind that the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights provide that all persons have the right to an adequate standard of living for themselves and their families, including adequate housing, and that States should take appropriate steps to ensure the realisation of this right,

Welcoming the resolution adopted in 1982 by the General Assembly of the United Nations proclaiming 1987 as the International Year of Shelter for the Homeless and calling for more action in this field at both the national and the international level,

Noting that the United Nations Centre for Human Settlements has been designated as the body responsible for organising the International Year of Shelter for the Homeless (IYSH),

Stressing the significant contribution to be made by the ILO, within its specific field of competence, to the implementation of the campaign, in conformity with the solemn obligation of the Organisation under the Declaration of Philadelphia to further programmes among the nations of the world to achieve the provision of adequate housing,

Recalling the ILO's Workers' Housing Recommendation, 1961 (No. 115), which emphasises the necessity of ensuring that adequate and decent housing and a suitable living environment are made available to all workers and their families, especially to those whose needs are most urgent,

Convinced also that the ILO can make a valuable contribution in the IYSH through its programmes and projects, relevant aspects of which are in line with the objectives and criteria of the IYSH,

Emphasising that an effective world-wide campaign for the creation of housing facilities for the homeless will have a significant and stimulating impact on the employment situation in many countries, in view of the labour-intensive character of the construction industry and its multiplier effect in other sectors of the economy,

Bearing in mind the necessity that the international community should support self-help efforts made by countries affected by homelessness with a view to resolving this problem;

¹ Adopted on 23 June 1987.

1. Invites governments, in consultation with employers' and workers' organisations, to:

- (a) intensify their efforts with a view to achieving the aims and objectives of the IYSH;
- (b) increase significantly allocations for housing and adopt concrete and appropriate programmes to improve the housing conditions of the population, especially the poor and disadvantaged and those living below the poverty line, and treat this as a matter of urgent priority;
- (c) pay special attention to the problems arising from families living separated because of workers having to take up employment away from home;
- (d) ensure that, in addition to the quantitative effort involved in the campaign for shelter for the homeless, adequate attention is also given to the qualitative factors, particularly the sanitation and safety aspects of dwellings, and that the utilisation of indigenous methods and construction materials is given due consideration;
- (e) encourage employers' and workers' organisations, co-operatives and other relevant organisations such as community groups and non-governmental organisations, as well as the private sector, to contribute to the promotion of low-cost housing and its upkeep and the restoration of existing housing facilities capable of repair, particularly for the low income groups, and to assist them in obtaining the necessary facilities needed for this purpose, such as land, credit and material, technical and other help;
- (f) adopt appropriate, effective and equitable measures, including legislation where appropriate, concerning relevant house rents and security of tenure to prevent the exploitation of tenants and protect the rights of all parties concerned.

2. Invites the Governing Body of the International Labour Office to request the Director-General to pay special attention in the programmes of the ILO, especially when preparing the next Medium-Term Plan (1990-95), to research, dissemination of information, meetings, technical advisory services, technical co-operation and other types of activities which seek to make a valuable contribution to the objectives of the IYSH.

3. Calls on the Governing Body of the International Labour Office:

- (a) to take the following actions:
 - (i) to urge the governments of the member States to embark on a vigorous campaign for the creation of adequate and affordable housing as a means of contributing to the fulfilment of the ILO's policies and programmes concerning employment and basic needs;
 - (ii) to ensure follow-up to the resolution adopted by the 11th Session of the Building, Civil Engineering and Public Works Committee, with the aim of including in the agenda of a forthcoming session of the International Labour Conference the revision of the Workers' Housing Recommendation, 1961 (No. 115);
- (b) to instruct the Director-General to:
 - (i) intensify efforts to help to achieve the aims and objectives of the IYSH by concentrating on aspects relating to employment, training for self-help schemes in community services, whether in urban or rural areas, the formal or informal sectors, the development of employment-oriented technology, and the planning and execution of large-scale employment-oriented public works programmes, especially in housing;

- (ii) strengthen the ILO's technical co-operation activities designed to assist countries in promoting simple building techniques and the production and use of local materials;
- (iii) promote popular participation in the construction and maintenance of workers' housing, especially through housing co-operatives, self-help housing schemes and the promotion of relevant activities of employers and trade unions;
- (iv) take also into account, in all activities aimed at eliminating homelessness, the experience of those countries which have achieved positive results in solving the housing problem;
- (v) strengthen working relationships and co-ordination between the ILO and other United Nations agencies concerned with workers' housing, especially with the United Nations Centre for Human Settlements (Habitat), in conformity with the Memorandum of Understanding signed in 1983 concerning co-operation between the two organisations;
- (vi) remind member States of the need to consult and seek the active co-operation of the representatives of workers' and employers' organisations on the elaboration and implementation of all aspects of housing and human settlement programmes.

IV

Resolution concerning the 40th anniversary of the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)¹

The General Conference of the International Labour Organisation,

Considering that, in accordance with the Constitution of the International Labour Organisation, freedom of association constitutes a fundamental principle on which the Organisation is based and that the Declaration of Philadelphia, which is an integral part of the Constitution, affirms that "freedom of expression and of association are essential to sustained progress",

Considering that the principles of freedom of association must be universally applied irrespective of the social and economic systems existing in the different countries,

Considering that the principles of freedom of association have been codified in a number of ILO instruments, in particular in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87),

Considering that, according to Convention No. 87, "workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation",

Noting with concern that not all member States have ratified Convention No. 87 and that in the past years the International Labour Office has received many complaints concerning violations of the principles of freedom of association in several countries,

Recognising that the supervisory procedures of the International Labour Organisation in the field of freedom of association, including the sending of ILO

¹ Adopted on 23 June 1987.

missions on the spot, have contributed to the improvement of the situation in a number of countries as regards respect for the principles of freedom of association,

Reaffirming the necessity for strict implementation of the principles of freedom of association in law as well as in practice and the obligation for all governments to co-operate fully with the supervisory bodies of the International Labour Organisation,

Recalling that in 1988 it will be 40 years since Convention No. 87 was adopted by the International Labour Conference;

1. Urges the governments of all those member States which have not yet ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to do their utmost to ratify that Convention in the course of 1988.

2. Calls upon the governments of all member States to take all necessary steps for the full implementation of Convention No. 87, in particular by bringing their legislation into conformity with the principles enunciated in the Convention, and to seek as rapidly as possible the assistance of the International Labour Office when problems relating to the implementation of the principles of freedom of association are experienced or anticipated, with a view to resolving such problems.

3. Invites the Governing Body of the International Labour Office to instruct the Director-General to seize the occasion of the 40th anniversary of the adoption of Convention No. 87 to strengthen the ILO's efforts in favour of the ratification and full implementation of Convention No. 87 by all member States.

V

Resolution concerning measures against drug and alcohol abuse in working and social life¹

The General Conference of the International Labour Organisation,

Recalling that the United Nations General Assembly in resolution 38/93 of 16 December 1983 has urged the specialised agencies and other organisations and programmes of the United Nations system to identify special drug control activities in their programme budgets,

Bearing in mind that in resolution 39/142 of 14 December 1984 the United Nations General Assembly has declared that the illegal production of, illicit demand for, abuse of and illicit trafficking in drugs impede economic and social progress, constitute a grave threat to the security and development of many countries and peoples and should be combated by all moral, legal and institutional means, at the national, regional and international levels,

Recalling that the United Nations General Assembly in resolution 40/122 of 13 December 1985 decided to convene, in 1987, an International Conference on Drug Abuse and Illicit Trafficking, with the mandate to generate universal action to combat the drug problem in all its forms at the national, regional and international levels and to adopt a comprehensive multidisciplinary outline of future activities which focuses on concrete and substantive issues directly relevant to the problems of drug abuse and illicit trafficking,

¹ Adopted on 23 June 1987.

Considering that drug and alcohol abuse and their consequences continue to raise problems in the workplace and to undermine the health and welfare of individuals and their families, are a contributing factor in causing accidents and pose a general threat to the working environment, increase absenteeism and decrease productivity, and subsequently result in escalating costs of enormous magnitude to industry, the economy and society at large,

Considering that problems arising from drug abuse are caused and aggravated by the handling and distribution of drugs at the workplace and that such activities should be prevented,

Emphasising that drug and alcohol abuse problems should be regarded in the same light as other health and social problems which call for counselling, help and support,

Considering that governments must initiate and support educational and information programmes to prevent the abuse of drugs and alcohol, as well as programmes concerning treatment, rehabilitation and social reintegration,

Aware that workers' and employers' organisations have an important role to play in promoting a positive attitude towards these programmes and making them more efficient, as well as developing their own programmes, where appropriate,

Noting that workers' organisations and employers should develop and implement their own assistance programmes and realising the importance of support at the workplace to those individuals who are experiencing or are more particularly exposed to the risk of drugs and/or alcohol abuse,

Considering that the International Labour Organisation can make an important contribution to formulating and executing programmes to help member States to develop effective responses to drug and alcohol problems in the workplace and countermeasures against drug and alcohol abuse in the field of vocational rehabilitation and social reintegration ;

1. Invites governments and employers' and workers' organisations –
- (a) to promote, in the framework of education, vocational training and occupational planning, national policies for guidance and services needed to prevent, reduce and eventually eradicate the abuse of drugs and alcohol in the workplace and elsewhere ;
- (b) to promote the development of effective consultation mechanisms whereby employers' and workers' organisations can take an active part in the formulation of strategies at the national, organisational, enterprise and workplace levels against alcohol and drug abuse and the implementation of demand reduction programmes, with particular attention to vocational rehabilitation and social reintegration ;
- (c) to support programmes at the workplace level, where workers' organisations and the employers, with appropriate support from governments and other institutions, take actions to help and support those who are experiencing or are more particularly exposed to the risk of drug and/or alcohol abuse ;
- (d) in developing and implementing programmes, each within its own competence :
 - (i) to respect the dignity of the worker at all times by ensuring confidentiality ;
 - (ii) to protect the security of employment and the income of the worker during medical rehabilitation to the same extent as for workers suffering from other health and social problems.

2. Requests the Governing Body of the International Labour Office to instruct the Director-General—

- (a) to accord due priority to activities relating to the control of drug and alcohol abuse, as well as expanding existing programmes relating to the vocational rehabilitation and social reintegration of drug- and alcohol-dependent persons;
- (b) to intensify recent activities focusing on the development and promotion of responses to drug and alcohol problems in the workplace through extensive examination of all its aspects, implementation of case studies, comparative analysis and continuous dissemination of findings and other relevant information;
- (c) to give special attention to activities directed towards youth and thereby emphasise the need to integrate youth into society and especially into the working and social life of the community;
- (d) to increase collaboration and co-ordination with the World Health Organization, other specialised agencies, other organisations and programmes of the United Nations system and other international, regional and national organisations in identifying and executing programmes which will help countries further to develop measures and their own programmes to reduce drug and alcohol problems.

VI

Resolution concerning the role of the ILO in technical co-operation ¹

The General Conference of the International Labour Organisation, meeting in its 73rd Session (1987),

Having undertaken a detailed review of ILO operational activities based on Report VI entitled *The role of the ILO in technical co-operation*,

Bearing in mind the resolution concerning the ILO technical co-operation programme adopted at its 65th Session (1979); the resolution concerning ILO activities for rural development adopted at its 66th Session (1980); and the resolution concerning the role of the ILO in the international development strategy for the Third United Nations Development Decade adopted at its 67th Session (1981),

Having regard to the resolution concerning the strengthening of action for the least developed countries adopted at its 70th Session (1984); and the resolution concerning the most urgent problems of Africa, and particularly food security, and the resolution on equal opportunities and treatment for men and women in employment, both adopted at its 71st Session (1985),

Recalling resolution 41/171 of the United Nations General Assembly on operational activities for development,

Reaffirming that the tripartite structure of the ILO is one of its major strengths, enabling it to associate workers' and employers' organisations along with governments in the planning, implementation and evaluation of the technical co-operation programme;

Adopts the following conclusions and invites the Governing Body of the International Labour Office to request the Director-General to give due consideration to them in the implementation of the technical co-operation programme.

¹ Adopted on 23 June 1987.

CONCLUSIONS CONCERNING THE ROLE OF THE ILO IN TECHNICAL CO-OPERATION

INTRODUCTION

1. Technical co-operation remains a major means of action for the attainment of the objectives of the Organisation, complementing and reinforcing its work of standard setting.

2. Balanced economic and social development and improved natural-resources management are essential to sustained progress in the global economy. To this end, a broad-based technical co-operation programme particularly directed at the developing countries should continue to be implemented by the ILO within its mandate and fields of competence.

3. ILO technical co-operation activities should be carried out to enhance economic and social conditions and be in accordance with the developmental needs and priorities of developing countries and the objectives of the ILO. They should be co-ordinated with the programmes of other partners of the United Nations development system.

4. A major focus of the programme should be on increasing national capabilities and self-reliance and on promoting sustainable development. For this purpose greater attention should be given to human resources development, the creation and strengthening of institutions, transfer of technology and the involvement of the social partners in the development process.

5. The programme should continue to evolve in both quantitative and qualitative terms. It should be supported by a well-planned research and development effort. This effort should include analysis and assessment of needs, policy analysis and evaluation of the projects and should be directly related to technical co-operation. Continuous updating of knowledge and techniques, innovation and adaptation is essential for the vitality of the programme.

6. It is essential to bring about a greater measure of concentration in technical co-operation based on the comparative advantage of the ILO, its tripartite structure and its mandate.

7. The Governing Body should continue to monitor and review the technical co-operation programme in a systematic manner. Such reviews should also be carried out at the regional level in different parts of the world by the ILO's tripartite machinery. It would be desirable for the International Labour Conference to undertake a comprehensive review of the programme at regular intervals at least every five years.

PRIORITIES

8. The ILO should endeavour to do fewer things better. The aim is to increase emphasis on longer-term projects and concentrate on specific result-oriented programmes which correspond to basic-needs fulfilment in high priority areas.

9. Specific priority fields of activity for the technical co-operation programme at the country level should be determined in the light of national plans and priorities, the country's developmental needs and the need to promote the implementation of ILO standards. In this regard the views expressed by the social partners in the recipient country should be taken into account.

10. Employment promotion and human resource development should continue to be in the forefront of ILO concerns, particularly in the context of serious economic difficulties and structural adjustment measures. There is a need for greater concentration on the employment problems of women, youth and the underemployed in the urban and rural sectors, and on employment, training and working conditions in the informal sector. The role of labour-intensive programmes in the least developed countries as well as the role of co-operatives should be further expanded.

11. In the field of human resources development, training for productivity and quality improvement, self-employment, small and medium enterprises, vocational skills and management training should receive more attention. More effective consultations should take place with employers' and workers' organisations in regard to training and employment as a whole.

12. The ILO should increase the programme content and share of resources it devotes in the future to the least developed countries. Such intensified project activity should be closely related to the ILO's continuing efforts to make its technical co-operation activities more relevant to the priorities and problems of the least developed countries.

13. The programme should adopt a target group approach. In global terms, focusing on the urban and rural poor, the major target groups should include women, youth, migrant workers and the disabled. More attention should also be given to the elimination of forced labour and child labour.

14. Effective activities geared to eradicating apartheid in the southern African region should be expanded.

15. Greater attention is required for strengthening activities falling directly in the field of labour ministries, for instance, labour administration, labour inspection, industrial relations, occupational health and safety, social security, documentation and information systems, etc.

16. Higher priority should be given to providing assistance to strengthen employers' and workers' organisations and activities.

17. In all areas the full integration of women in development should be a basic concern. It is important to ensure the participation of women in tripartite discussions and in the planning, designing, implementation and evaluation of projects, and that project activities benefit women. The ILO plan of action on equality of opportunity and treatment of men and women in employment should be a basis for strengthening the role of women in ILO technical co-operation activities.

PROMOTION OF TRIPARTISM

18. The participation of the social partners in the planning, implementation and evaluation of ILO technical co-operation projects is essential for ensuring a balanced and broad-based strategy of development co-operation and for ensuring the efficiency of operations. In both donor and beneficiary countries, it is imperative to involve employers' and workers' organisations in ILO technical co-operation matters.

19. The involvement of employers' and workers' organisations in the process of country programming should be encouraged, in particular as regards projects executed by the ILO.

20. The Governing Body should keep under review the specific measures taken in this regard and instruct the Director-General to pursue the question further as appropriate.

21. Within the technical co-operation programme, special attention should be paid to assistance to employers' and workers' organisations. Such assistance should be directed at creating and strengthening the institutional framework, organisational and managerial capacity, and training and at promoting co-operation among these organisations. These organisations possess valuable experience and expertise which should be more extensively used in technical co-operation activities.

22. In this context, the importance of ratifying and implementing especially the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and applying the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152), is again stressed.

STANDARD SETTING AND TECHNICAL CO-OPERATION

23. The complementarity between ILO standard setting and technical co-operation still needs to be further strengthened in order to promote economic and social progress in the recipient countries.

24. The links and structural relationships between international labour standards and specific operational activities vary according to subject matter and the focus of particular projects. Greater emphasis should be given in the future to assisting developing countries, especially employers' and workers' organisations in these countries, in order to create better conditions for the ratification and implementation of standards.

25. Greater use should be made of the ILO regular budget and other available funds for technical co-operation to promote links between standards and technical co-operation.

RELEVANCE, COST EFFECTIVENESS AND IMPACT

26. There is continuing need to enhance the relevance, impact and cost effectiveness of the multilateral technical co-operation programme. The ILO should respond and contribute actively to on-going international efforts designed to achieve this goal.

27. In this regard, the need to strengthen the partnership concept of the Consensus contained in the annex to General Assembly resolution 2688 (XXV) of 11 December 1970, emphasising the co-ordination of operational activities for development of the United Nations system and the full utilisation of the knowledge and expertise of the specialised agencies, was stressed. This was recently reiterated in General Assembly resolution 41/171 adopted in December 1986. The ILO should contribute fully to the United Nations system-wide efforts for the purpose.

28. To enhance the impact of development efforts, it is essential to ensure the active participation of the population concerned. In this framework and in accordance with the ILO's mandate and tripartite structure, and in addition to its co-

operation with employers' and workers' organisations, the ILO should evolve a strategy aiming at maximum involvement of the poorest segments of the population in developing countries.

29. In order to improve the quality, efficiency and practicality of the programme, greater attention should be given to systematic needs assessment, sector review, improvements in project design, including careful phasing of the project and financial planning, and project monitoring, including project evaluation by outside experts. Each project should be carefully appraised in terms of sustainability, capacity-building and self-reliance. In this connection, the points of view of the social partners should be taken into account. To ensure a sustainable development, the environmental dimension must be incorporated.

30. The ILO should adopt a programme of action to improve the extent and nature of its activities designed to evaluate the impact of its technical co-operation activities. The focus of such a programme should be on impact assessment of programmes and projects. The plan should provide for: greater participation of the ILO's development partners; widespread sharing of lessons learned; and feedback of the results of the adoption of recommendations resulting from such evaluative studies.

31. To ensure its cost effective and efficient programme management the ILO organisational structure, administrative procedures and personnel resources should be kept under review. Particular attention should be given to the structure at regional and field level and the relationships between these and headquarters.

32. Clear project objectives and evaluation measures should be set at the beginning of the project. The nature and content of the project resources are derived from these objectives and cannot be set in advance. Various options available to recipients need to be examined. Both cost and quality factors should be emphasised in designing and implementing projects.

33. Different types of projects call for different types of experts. It is important to take into account the cost-effectiveness factor before deciding on the type of expert to be used. The need for long-term international experts should be carefully examined and their replacement by high-level short-term consultants should be considered. In this context, in order to stress local participation and training of national counterparts, the selection of experts should be improved and greater use should be made of national and regional experts in ILO technical co-operation projects. The use of associate experts and United Nations Volunteers should be increased. In selecting experts, the emphasis should be placed on highest level and value for money. Expert advice should be considered seriously and acted upon when appropriate. Adequate guidance should be given by the ILO to all experts.

34. The ILO, keeping in view the need for appropriate technology in developing countries, should ensure that within the realm of its technical co-operation efforts, expertise and information within the United Nations system is made available to assist developing countries and employers' and workers' organisation in (a) identifying national and international supply sources; (b) providing training in modern equipment methods and procedures; (c) establishing repair and maintenance and arrangements and (d) developing research aiming at the use of technologies which contain a maximum of national resources. In this respect, the ILO should develop its services so that procurement specialists and documentary material such as equipment planning guides can be made available within the framework of technical co-operation projects.

35. The fellowship programme remains a vital additional input in the transfer of know-how. The Turin Centre has played a valuable part in this process. Measures should be taken by member States and other recipient organisations to ensure timely, equitable and full utilisation of fellowship components. Recipients should ensure that the skills required by trainees on completion of training are fully utilised. In deciding the award of fellowships, the special and emergent needs of developing, and in particular the least developed, countries should be kept in view.

36. Vigorous action should be taken to promote technical co-operation among developing countries (TCDC) in all ILO projects, including projects in favour of employers' and workers' organisations. In particular, at the regional level, the ILO should help in identifying expertise and institutional capabilities in such countries as a means of creating or strengthening sustainable development efforts in and among developing countries.

RESOURCES AND CO-ORDINATION

37. The availability of an adequate level of resources is crucial to the maintenance of a meaningful programme in response to the increasingly complex needs of developing countries. Every effort should, therefore, be made to ensure a steady flow of resources for ILO technical co-operation activities.

38. Adequate co-ordination with other externally aided programmes and projects is essential for the success of the ILO's programmes. It is accordingly necessary to ensure such development co-ordination at the stage of both the planning and the implementation of projects.

39. The ILO should, where appropriate, join with other members of the United Nations system to assist the beneficiary countries at their request in strengthening their capacity in planning and co-ordinating external aid on a sectoral and intersectoral basis.

40. In view of the UNDP's central funding and co-ordinating role in technical assistance in the United Nations system, the ILO should strengthen its collaboration with the UNDP as regards all aspects of its programme. It should make available its experience and expertise in the process of country programming, in national technical co-operation assessment and programmes (NATCAPs) and the round tables. The UNDP should fully involve the ILO which is a tripartite body in the technical consultations and planning of these different exercises so that employment, training and other social concerns can be given due consideration in the programming process.

41. The ILO should further strengthen its co-operation with the UNDP in regard to various UNDP-administered funds. Similarly, co-operation should be strengthened with other organisations in the United Nations system which finance operational activities of interest to the ILO. Such activities of other organisations in the United Nations system should, when operated with the assistance of the ILO, be complementary to projects for which the ILO seeks extra-budgetary funding.

42. The ILO should reinforce its co-operation and co-ordination with international and regional employers' and workers' organisations and make greater use of their experience, e.g. in the field of training.

43. The ILO should enhance its collaboration with institutions providing capital and development assistance so as to contribute its experience and expertise

with a view to enhancing the impact of their activities in developing countries with special reference to the field of employment, training and management, and co-operatives. This co-operation should be continued and further strengthened.

44. ILO technical co-operation activities funded from multi-bilateral and other trust funds should fully respond to the developmental needs and national priorities of the countries concerned and should be co-ordinated to the maximum extent possible with the UNDP country programme as a frame of reference.

45. Funds earmarked for regular budget technical co-operation (RBTC) should continue to play a catalytic role in the ILO's technical co-operation programme. Greater attention should be paid in using RBTC funds to (a) those activities which do not attract enough extra-budgetary funds, e.g. those relating to links between standards and technical co-operation, promotion of tripartism, assistance to employers' and workers' organisations; (b) activities for technical co-operation among developing countries (TCDC); (c) experimental and innovative activities on a pilot basis; (d) project preparatory activities as seed money for future extra-budgetary funded projects; and (e) evaluation.

VII

Resolution concerning the assessment of Poland for 1987¹

The General Conference of the International Labour Organisation,
In accordance with article 9, paragraph 2, of the Financial Regulations,

Fixes Poland's contribution to the budget of the International Labour Organisation for 1987 at a rate of 0.64 per cent.

VIII

Resolution concerning the adjustment of the annuities for amortisation of the actuarial deficit in the ILO Staff Pensions Fund¹

The General Conference of the International Labour Organisation,

Decides to replace the existing annuities for the amortisation of the actuarial deficit of the ILO Staff Pensions Fund by the following:

- an annuity of US\$200,000 for 1988;
- annuities of US\$200,000 up to and including 1989;
- annuities of US\$200,000 up to and including 1990;
- annuities of US\$200,000 up to and including 1991;
- annuities of US\$200,000 up to and including 1992.

IX

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organisation¹

The General Conference of the International Labour Organisation,

In accordance with Article III of the Statute of the Administrative Tribunal of the International Labour Organisation,

¹ Adopted on 18 June 1987.

Decides to appoint as judge of the Administrative Tribunal, for a term of three years with immediate effect, the Honourable Miss Justice Carroll (Ireland),

Extends the terms of office of Mr. Jacques Ducoux (France) as judge of the Administrative Tribunal and Mr. Hector Gros Espiell (Uruguay) as deputy judge of the Tribunal for further periods of three years.

X

Resolution concerning the adoption of the programme and budget for the 61st financial period (1988-89) and the allocation of expenses among member States ¹

The General Conference of the International Labour Organisation,
In virtue of the Financial Regulations,

Passes for the 61st financial period, ending 31 December 1989, the budget of expenditure of the International Labour Organisation amounting to US\$324,860,000 and the budget of income amounting to US\$324,860,000 and resolves that the budget of income from member States shall be allocated among them in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives.

ADDITIONAL TEXTS AND DECISIONS

Standing Orders

The Conference took a number of decisions concerning Standing Orders questions.

AMENDMENTS TO THE STANDING ORDERS OF THE INTERNATIONAL LABOUR CONFERENCE ²

Insertion of a new article (Article 11ter)

The Conference added a new article to its Standing Orders in the following terms:

Article 11ter

Procedure for the consideration of items placed on the agenda for general discussion

1. When a question has been placed on the agenda for general discussion, the International Labour Office shall communicate a report upon the question to the governments, so as to reach them not less than two months before the opening of the session of the Conference at which the question is to be discussed.

2. The question shall be referred by the Conference to a committee for report.

Articles 38 and 39

The Conference adopted the following amendments to articles 38 and 39 of its Standing Orders (additions are in italics and deletions in square brackets):

Article 38, paragraph 1 (second sentence only)

This questionnaire shall request governments *to consult the most representative organisations of employers and workers before finalising their replies and* to give reasons for their replies.

¹ Adopted on 19 June 1987 by 349 votes in favour, 56 against, with 19 abstentions.

² Adopted on 22 June 1987.

Article 38, paragraph 2

On the basis of the replies *received* [from the governments] the Office shall draw up a final report . . .

Article 39, paragraph 1

When a question is governed by the double-discussion procedure, the International Labour Office shall prepare, as soon as possible, a preliminary report setting out the law and practice in the different countries and any other useful information, together with a questionnaire. The report and the questionnaire, requesting governments *to consult the most representative organisations of employers and workers before finalising their replies* and to give reasons for their replies, shall be communicated by the Office to the governments so as to reach them not less than 12 months before the opening of the session of the Conference at which the question is to be discussed.

Article 39, paragraph 2 (first sentence)

The replies [of governments] should reach the Office as soon as possible and not less than eight months before the opening of the session of the Conference at which the question is to be discussed.

Article 39, paragraph 3

The Office shall prepare a further report on the basis of the replies *received* [from governments] . . .

Article 39, paragraph 6

On the basis of the replies *received* [from the governments] to the questionnaire referred to in paragraph 1 and on the basis of the first discussion by the Conference, the Office may prepare one or more Conventions or Recommendations and communicate them to the governments so as to reach them not later than two months from the closing of the session of the Conference, asking them to state within three months, *after consulting the most representative organisations of employers and workers*, whether they have any amendments to suggest or comments to make.

Article 39, paragraph 7

On the basis of the replies *received* [from the governments] the Office shall draw up a final report . . .

Article 40 (new paragraph)

The Conference added the following new paragraph between paragraphs 1 and 2 of article 40 (the subsequent paragraphs being renumbered):

2. When the Conference has referred to a committee the text of a Recommendation only, a decision by the committee to propose a Convention to the Conference for adoption (in place of or in addition to the Recommendation) shall require a two-thirds majority of the votes cast.

The following consequential amendment was adopted to article 65, paragraph 1:

Subject to article 40, paragraph 2, of these Standing Orders, decisions shall be taken by a simple majority of the votes cast by the members of the committee present at the sitting.

AMENDMENTS TO THE RULES CONCERNING THE POWERS, FUNCTIONS AND PROCEDURE OF REGIONAL CONFERENCES CONVENED BY THE INTERNATIONAL LABOUR ORGANISATION ¹

The Conference confirmed the following amendment to article 1, paragraph 3, of the Rules concerning the Powers, Functions and Procedure of Regional Conferences Convened by the International Labour Organisation (new sentence in italics):

¹ Adopted on 22 June 1987.

The Governing Body of the International Labour Office shall determine which governments shall be invited to nominate delegates and advisers to attend regional conferences. *Acceptance by a State or territory of an invitation to be represented at a regional conference implies that it assumes responsibility for the travel and subsistence expenses of its tripartite delegation.*

Appointment of members of the Appeals Board Panel

On 4 June 1987 the Conference, adopting on the recommendation of its Selection Committee—the recommendation made to it by the Governing Body pursuant to section III, paragraph 5 (a), of the proposals relating to the procedure for the appointment of committees adopted by the Conference in 1959, decided to reappoint to the panel from which the members of the Conference Appeals Board are selected, for a period of three years expiring on 30 June 1989, Mr. J.A. Barboza-Carneiro (Brazil) and Mr. Luigi Cottafavi (Italy); and, for a period of three years expiring on 30 June 1990, Mr. Pierre Laroque (France).

Excerpt from the report of the Committee on Apartheid¹

The Conference had before it the report of its Committee on Apartheid, which contained the following conclusions:

The Committee on Apartheid recommends the following actions:

I. Government action through the United Nations

To take the measures necessary to give effect to the Programme of Action against apartheid adopted by the United Nations General Assembly as well as the resolutions subsequently adopted by that body and other relevant United Nations bodies, in particular:

1. to adopt comprehensive and mandatory sanctions against South Africa, in accordance with Chapter VII of the United Nations Charter;
2. to establish a special monitoring unit, in co-operation with the International Maritime Organisation, Lloyds Register, the Shipping Research Bureau and other relevant organisations, to ensure that sanctions are strictly applied and to expose sanctions busters;
3. to co-operate by all possible means in the implementation of United Nations resolution 435 for the independence of Namibia.

II. Government action

1. To sever political, military, cultural, sporting and diplomatic relations with the South African Government, in so far as such relations with South Africa are maintained;
2. to stop trade and commercial relations with and to prohibit new public and private investment in South Africa, as well as the export of nuclear and other technology to the South African Government, parastatals and private enterprise in South Africa. In addition, to prohibit loans, trade credits and gold exchanges by banks to and with South Africa. Furthermore, to prohibit collaboration with South Africa in the operation of the international gold market, in particular to prevent the operation of the South African marketing company, the International Gold Corporation (INTERGOLD);
3. to adopt, through the appropriate government authorities, including regional and local authorities, stringent divestment/disinvestment measures, to prevent any new investments, and to withdraw all public funds from banks maintaining commercial relations with South Africa as well as to deny contracts for the provision of goods and services to all firms and enterprises having commercial relations with South Africa;

¹ Adopted on 19 June 1987 by 331 votes in favour, 8 against, with 26 abstentions.

4. to deny the use of facilities intended to circumvent sanctions applied against South Africa;

5. to discourage emigration of their nationals and the promotion of tourism to South Africa, by such means as banning advertising and cutting air and sea links with South Africa;

6. to withhold recognition of Bantustans, deny the establishment of representative offices and the entry of representatives of Bantustans into their territories, to prohibit new investments in and to demand the withdrawal of existing investment from these areas;

7. to increase economic support, including development assistance and the development of alternative trade patterns, to those African countries which are forced through their geographical and economic situation to maintain links with South Africa, with particular emphasis on independent African States enclaved within South Africa and those in the immediate neighbourhood of South Africa;

8. to give material and moral support to the liberation movements, to the independent Black trade union movement and to popular movements struggling for the establishment of human rights in South Africa and Namibia;

9. to lift all impediments preventing trade unions from participating in solidarity action with the workers engaged in the anti-apartheid struggle.

III. Action by employers' organisations

1. To ensure that their members do not maintain trade, commercial or financial relations with South Africa and that economic and financial institutions do not extend loans to South Africa or collaborate with the apartheid regime in any way;

2. to disinvest from South Africa and to transfer these investments to other African countries, especially the front-line and SADCC States. In so doing, employers should ensure that early consultations are held with the appropriate union representing the Black workers in the enterprise on the conditions and terms of disinvestment. Such action should not circumvent the call for disinvestment by transferring the operation of their companies to local South African management whilst still maintaining the same commercial links;

3. to disinvest from and to cease all co-operation with the so-called Bantustans;

4. to refuse to co-operate with the South African authorities in the implementation of apartheid legislation, and to make a firm commitment to the abolition of apartheid;

5. to urge banks and other financial institutions to refrain from making loans or providing credit for trade with South Africa and to urge governments to prohibit the activities of the International Gold Corporation (INTERGOLD) in their countries;

6. to provide technical and financial support for small business development and management training programmes for victims of apartheid in exile in the front-line and neighbouring States.

IV. Action by trade unions the world over

1. To exert maximum pressure on their respective governments for the adoption and the implementation of comprehensive and mandatory sanctions against South Africa by the United Nations Security Council, in accordance with Chapter VII of the United Nations Charter;

2. to place maximum pressure, including industrial action, on companies which do not recognise the independent Black trade union movement and act in contradiction with internationally recognised labour standards;

3. to increase mobilisation of workers and the public through information campaigns with a view to exerting the strongest possible pressure on their respective governments to adopt comprehensive sanctions against and to sever their links with South Africa, and on companies with interests in South Africa to oblige them to withdraw from that country;

4. to develop extensive education activities to ensure that workers are informed of sanctions measures in their own countries so that they can participate at all levels in the monitoring of such actions and be prepared for industrial action in cases of sanctions busting;

5. to organise consumer boycotts in order to promote sanctions against South Africa ;
6. to give financial and moral support to the Black independent trade union movement inside South Africa, including assistance in organising campaigns and educational programmes and legal and relief assistance to imprisoned and restricted trade unionists and their families, as well as organising solidarity action in support of the Black workers and their unions ;
7. to organise campaigns to ensure that trade union members do not emigrate to South Africa and to withdraw trade union membership cards as a sanction against such emigrants ; to ban advertisements for jobs in South Africa and exert pressure for the closure of South African recruitment offices abroad ;
8. to withdraw all trade union funds from any company or investment scheme with interests in South Africa, and to ensure that no pension funds are invested in such companies, banks or schemes ;
9. to exercise the strongest possible pressure on banks and financial institutions to prevent the provision of loans and trade credits, as well as gold exchanges to and with South Africa. In addition, trade unions should organise campaigns appealing to their members to close their accounts with such banks ;
10. to take all measures aimed at further isolating the South African regime and to support general anti-apartheid activities ;
11. to ensure trade union representation in delegations to the United Nations and the specialised agencies to press for the fullest implementation of the Programme of Action against apartheid ;
12. to co-ordinate trade union action against apartheid in accordance with the Declaration adopted by the International Conference of Trade Unions on Sanctions and other Actions against the Apartheid Regime, held in Geneva in 1983.

V. ILO action

1. To give further impetus to the implementation of the Declaration concerning the Policy of Apartheid and the Programme of Action, with specific reference to operative paragraph 6 of the Declaration and to paragraphs 1 to 8 of the section on ILO action in the Appendix ;
2. to increase entrepreneurial and management training and to encourage small business development programmes for the victims of apartheid in exile in neighbouring States as a means of creating self-employment for these deprived people and prepare them for business management responsibilities in a non-racial democratic South Africa and in an independent democratic Namibia ;
3. to increase activities in the fields of vocational training, assistance to migrant workers, improvements in infrastructures and in other fields of benefit to workers of southern Africa ;
4. to ensure a wider dissemination of public information throughout all member States by all possible means about atrocities being perpetrated by the apartheid South African regime within South Africa and Namibia, as well as in front-line and neighbouring States, as a means of countering the news blackout imposed by the South African Government under its oppressive emergency measures and overcoming the silence of the mass media ;
5. to address renewed appeals to the UNDP, international financial institutions and all multi-bilateral and bilateral donors to provide additional resources for the above-mentioned activities ;
6. to request ILO constituents to provide a precise, itemised report on the Declaration, on each paragraph of the Programme of Action annexed to it and on the conclusions adopted at each session of the Conference.

In addition, the Committee recommends the following further actions by the ILO :

7. The Governing Body is requested to include in the agenda of the 75th Session of the Conference (June 1988), the question of updating the Declaration concerning the Policy of Apartheid in South Africa adopted by the Conference in 1981.

8. The Governing Body is requested to convene a tripartite conference to review all aspects of action to be taken against apartheid and the continued illegal occupation of Namibia, including sanctions and assistance to the front-line and neighbouring States. The conference should also serve to prepare for the updating of the Declaration. The conference should be held in a front-line State prior to the 75th Session of the International Labour Conference. The Director-General and the Governing Body are requested to cover the costs of the conference from the regular budget and/or through voluntary contributions from ILO Members or other extra-budgetary sources.

9. The Director-General's 1988 Report should include a comprehensive evaluation of the implementation by ILO constituents of all the recommendations adopted at this present session, listing by name those constituents which have replied to the current year's questionnaire and those which have not replied. The Report should also include a comprehensive description of the situation in Namibia, contained in a separate section, and a description of the effects of apartheid policies on the front-line and neighbouring States. A supplement to the Report, updating the overall situation, should be made available to the Committee on Apartheid.

10. The Committee noted the Report of the Working Group on Banking Facilities in the ILO as presented to the Programme, Financial and Administrative Committee at the 234th Session of the Governing Body (November 1986), as well as the mandate of the Director-General to keep the banking situation in Geneva under review and to report as appropriate to the Governing Body. The Governing Body is therefore requested to establish a special working group to assist the Director-General to find alternative banking facilities to the UBS, involving either one or more banks as may be required, in pursuance of paragraph 15 of United Nations General Assembly resolution 40/64 A of 1985 which calls upon the organisations of the United Nations system "to withhold any facilities from or investments of any funds in banks, financial institutions and corporations that are doing business with South Africa". A progress report on the action by the Governing Body on this subject should be submitted to the Committee at the June 1988 Session of the Conference.

VI. *Other action*

1. The Committee calls upon governments, employers' and workers' organisations and the ILO to continue and reinforce the campaign for the release of all trade unionists and political prisoners in South Africa and Namibia. In this connection the Committee deplores and denounces the state of emergency and its recent extension for another year which denies and violates civil and trade union rights in South Africa.

2. The Committee calls upon governments, employers' and workers' organisations, non-governmental bodies and individuals to make every possible contribution to the Action for Resisting Invasion, Colonisation and Apartheid (AFRICA) Fund, as well as to make contributions in order to ensure the early realisation of the objectives of the Solidarity Fund for Southern Africa.

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OFFICIAL BULLETIN

Vol. LXX

1987

Series A, No. 3

INFORMATION

74th (Maritime) Session of the International Labour Conference¹

(Geneva, 24 September-9 October 1987)

The 74th (Maritime) Session of the International Labour Conference was held from Thursday, 24 September to Friday, 9 October 1987, under the presidency of Mr. W. Dollinger, former Minister of Transport of the Federal Republic of Germany.

The agenda of the Conference was as follows:

Standing item

- I. Report of the Director-General.

Items placed on the agenda by the Governing Body

- II. Seafarers' welfare at sea and in port.
- III. Social security protection for seafarers, including those serving in ships flying flags other than those of their own country.
- IV. Health protection and medical care for seafarers.
- V. Revision of the Repatriation of Seamen Convention, 1926 (No. 23), and of the Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27).

¹ The texts of the Conventions, Recommendations and resolutions adopted by the Conference appear on pp. 102-140 below. More detailed information on the proceedings of the Conference, including names of the participants, the verbatim record of plenary sittings, committee reports, etc., is to be found in the *Record of Proceedings* of the 74th Session, which consists of the 19 issues of the *Provisional Record* and the list of delegations published in the course of the session, and a complementary part published after its close and containing, inter alia, the table of contents, a list of corrigenda and an index to speakers in plenary sitting.

Renewal of the Joint Maritime Commission

The following communications were made to the Conference :

The Employers' group of the 74th (Maritime) Session of the Conference selected the following Shipowner members for the Joint Maritime Commission.

Regular members :

Mr. Eutrope (<i>Australia</i>).	Mr. Kaji (<i>Japan</i>).
Mr. Soares Junior (<i>Brazil</i>).	Mr. Al-Fauzan (<i>Kuwait</i>).
Mr. Hall (<i>Canada</i>).	Mr. Smith (<i>Liberia</i>).
Mr. Pontoppidan (<i>Denmark</i>).	Mr. Smorenberg (<i>Netherlands</i>).
Mr. Forsskaahl (<i>Finland</i>).	Mr. Hasselgaard (<i>Norway</i>).
Mr. Sulpice (<i>France</i>).	Mr. Brillantes (<i>Philippines</i>).
Mr. Lindemann (<i>Federal Republic of Germany</i>).	Mr. Pena Rich (<i>Spain</i>).
Mr. Hadjipateras (<i>Greece</i>).	Mr. Whitworth (<i>United Kingdom</i>).
Mr. Kohli (<i>India</i>).	Mr. Cox (<i>United States</i>).
Mr. Campanella (<i>Italy</i>).	Mr. Kwete (<i>Zaire</i>).

Deputy members :

Mr. Hogberg (<i>Sweden</i>).	Mr. Van Herck (<i>Belgium</i>).
Mr. De Diego (<i>Argentina</i>).	Mr. Swaleh (<i>Pakistan</i>).

The Workers' group of the 74th (Maritime) Session of the Conference selected the following seafarer members for the Joint Maritime Commission.

Regular members :

Mr. Nakanishi (<i>Japan</i>).	Mr. Narelli ;
Mr. Zenzefyllis (<i>Greece</i>).	<i>substitute</i> : Mr. Pehourticq (<i>France</i>).
Mr. Drozak ;	Mr. Franco Garcíá ;
<i>substitute</i> : Mr. Wall	<i>substitute</i> : Mr. Azcúe Manterola
(<i>United States</i>).	(<i>Spain</i>).
Mr. Matskevicius (<i>USSR</i>).	Mr. Benze (<i>Federal Republic of Germany</i>).
Mr. Zhang (<i>China</i>).	Mr. Sørensen (<i>Denmark</i>).
Mr. McCluskie ;	Mr. Geraghty (<i>Australia</i>).
<i>substitute</i> : Mr. Nevin	Mr. Van Cant (<i>Belgium</i>).
(<i>United Kingdom</i>).	Mr. Kuhn (<i>German Democratic Republic</i>).
Mr. Aasarod (<i>Norway</i>).	Mr. Sozo (<i>Yugoslavia</i>).
Mr. Guidi (<i>Italy</i>).	Mr. Samaha (<i>Egypt</i>).
Mr. Oca (<i>Philippines</i>).	
Mr. Barnes (<i>India</i>).	
Mr. Monteiro Sant'Ana (<i>Brazil</i>).	

Deputy members :

Mr. Petronio (*Argentina*).

Mr. Lindstrom (*Sweden*).

Mr. Boyle (*Canada*).

Mr. Mpwo (*Zaire*).

These members were duly nominated by the Conference on 8 October 1987.

DOCUMENTS¹

Conventions, Recommendations and Resolutions Adopted by the International Labour Conference at Its 74th (Maritime) Session

(Geneva, September-October 1987)

CONVENTIONS AND RECOMMENDATIONS

Convention 163

Convention concerning Seafarers' Welfare at Sea and in Port

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Seventy-fourth Session on 24 September 1987, and

Recalling the provisions of the Seamen's Welfare in Ports Recommendation, 1936, and the Seafarers' Welfare Recommendation, 1970, and

Having decided upon the adoption of certain proposals with regard to seafarers' welfare at sea and in port which is the second item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eighth day of October of the year one thousand nine hundred and eighty-seven the following Convention which may be cited as the Seafarers' Welfare Convention, 1987:

Article 1

1. For the purposes of this Convention—

- (a) the term “seafarer” means any person who is employed in any capacity on board a seagoing ship, whether publicly or privately owned, other than a ship of war;
- (b) the term “welfare facilities and services” means welfare, cultural, recreational and information facilities and services.

2. Each Member shall determine by national laws or regulations, after consultation with the representative organisations of shipowners and seafarers, which ships registered in its territory are to be regarded as seagoing ships for the purpose of the provisions of this Convention relating to welfare facilities and services on board ship.

¹ This section contains the decisions of the Conference, without details of the circumstances of their adoption except where they were the result of a formal vote. The comments or reservations by delegates or groups, subject to which the decisions were taken, will be found in detail in the *Record of Proceedings* of the 74th Session of the Conference.

3. To the extent it deems practicable, after consultation with the representative organisations of fishing vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

Article 2

1. Each Member for which this Convention is in force undertakes to ensure that adequate welfare facilities and services are provided for seafarers both in port and on board ship.

2. Each Member shall ensure that the necessary arrangements are made for financing the welfare facilities and services provided in accordance with the provisions of this Convention.

Article 3

1. Each Member undertakes to ensure that welfare facilities and services are provided in appropriate ports of the country for all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the State in which the ship on which they are employed is registered.

2. Each Member shall determine, after consultation with the representative organisations of shipowners and seafarers, which ports are to be regarded as appropriate for the purposes of this Article.

Article 4

Each Member undertakes to ensure that the welfare facilities and services on every seagoing ship, whether publicly or privately owned, which is registered in its territory, are provided for the benefit of all seafarers on board.

Article 5

Welfare facilities and services shall be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

Article 6

Each Member undertakes—

- (a) to co-operate with other Members with a view to ensuring the application of this Convention; and
- (b) to ensure co-operation between the parties engaged and interested in promoting the welfare of seafarers at sea and in port.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this sixteenth day of October 1987.

The President of the Conference,

WERNER DOLLINGER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

Convention 164

Convention concerning Health Protection and Medical Care for Seafarers

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-fourth Session on 24 September 1987, and

Noting the provisions of the Medical Examination (Seafarers) Convention, 1946, the Accommodation of Crews Convention (Revised), 1949, the Accommodation of Crews (Supplementary Provisions) Convention, 1970, the Ships' Medicine Chests Recommendation, 1958, the Medical Advice at Sea Recommendation, 1958, and the Prevention of Accidents (Seafarers) Convention and Recommendation, 1970, and

Noting the terms of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as regards training in medical aid in the case of accidents or illnesses that are likely to occur on board ship, and

Noting that for the success of action in the field of health protection and medical care for seafarers, it is important that close co-operation be maintained in their respective fields between the International Labour Organisation, the International Maritime Organization and the World Health Organization, and

Noting that the following standards have accordingly been framed with the co-operation of the International Maritime Organization and the World Health Organization, and that it is proposed to seek their continuing co-operation in the application of these standards, and

Having decided upon the adoption of certain proposals with regard to health protection and medical care for seafarers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,
adopts this eighth day of October of the year one thousand nine hundred and eighty-seven the following Convention which may be cited as the Health Protection and Medical Care (Seafarers) Convention, 1987:

Article 1

1. This Convention applies to every seagoing ship whether publicly or privately owned, which is registered in the territory of any Member for which the Convention is in force and which is ordinarily engaged in commercial maritime navigation.

2. To the extent it deems practicable, after consultation with the representative organisations of fishing-vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

3. In the event of doubt as to whether or not any ships are to be regarded as engaged in commercial maritime navigation or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the competent authority after consultation with the organisations of shipowners, seafarers and fishermen concerned.

4. For the purpose of this Convention the term "seafarer" means any person who is employed in any capacity on board a seagoing ship to which this Convention applies.

Article 2

Effect shall be given to this Convention by national laws or regulations, collective agreements, works rules, arbitration awards or court decisions or other means appropriate to national conditions.

Article 3

Each Member shall by national laws or regulations make shipowners responsible for keeping ships in proper sanitary and hygienic conditions.

Article 4

Each Member shall ensure that measures providing for health protection and medical care for seafarers on board ship are adopted which—

- (a) ensure the application to seafarers of any general provisions on occupational health protection and medical care relevant to the seafaring profession, as well as of special provisions peculiar to work on board;
- (b) aim at providing seafarers with health protection and medical care as comparable as possible to that which is generally available to workers ashore;
- (c) guarantee seafarers the right to visit a doctor without delay in ports of call where practicable;
- (d) ensure that, in accordance with national law and practice, medical care and health protection while a seafarer is serving on articles are provided free of charge to seafarers;
- (e) are not limited to treatment of sick or injured seafarers but include measures of a preventive character, and devote particular attention to the development of health promotion and health education programmes in order that seafarers

themselves may play an active part in reducing the incidence of ill-health among their number.

Article 5

1. Every ship to which this Convention applies shall be required to carry a medicine chest.

2. The contents of the medicine chest and the medical equipment carried on board shall be prescribed by the competent authority taking into account such factors as the type of ship, the number of persons on board and the nature, destination and duration of voyages.

3. In adopting or reviewing the national provisions concerning the contents of the medicine chest and the medical equipment carried on board, the competent authority shall take into account international recommendations in this field, such as the most recent edition of the *International Medical Guide for Ships* and the *List of Essential Drugs* published by the World Health Organization, as well as advances in medical knowledge and approved methods of treatment.

4. The medicine chest and its contents as well as the medical equipment carried on board shall be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons designated by the competent authority, who shall ensure that the expiry dates and conditions of storage of all medicines are checked.

5. The competent authority shall ensure that the contents of the medicine chest are listed and labelled with generic names in addition to any brand names used, expiry dates and conditions of storage, and that they conform to the medical guide used nationally.

6. The competent authority shall ensure that where a cargo which is classified dangerous has not been included in the most recent edition of the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods* published by the International Maritime Organization, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes is made available to the master, seafarers and other interested persons. Such specific antidotes and personal protective devices shall be on board whenever dangerous goods are carried.

7. In cases of urgent necessity and when a medicine prescribed by qualified medical personnel for a seafarer is not available in the medicine chest, the shipowner shall take all necessary steps to obtain it as soon as possible.

Article 6

1. Every ship to which this Convention applies shall be required to carry a ship's medical guide adopted by the competent authority.

2. The medical guide shall explain how the contents of the medicine chest are to be used and shall be designed to enable persons other than a doctor to care for the sick or injured on board both with and without medical advice by radio or satellite communication.

3. In adopting or reviewing the ship's medical guide used nationally, the competent authority shall take into account international recommendations in this field, including the most recent edition of the *International Medical Guide for Ships* and the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*.

Article 7

1. The competent authority shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available at any hour of the day or night.

2. Such medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the territory in which they are registered.

3. With a view to ensuring that optimum use is made of facilities available for medical advice by radio or satellite communication—

- (a) all ships to which this Convention applies which are equipped with radio installations shall carry a complete list of radio stations through which medical advice can be obtained;
- (b) all ships to which this Convention applies which are equipped with a system of satellite communication shall carry a complete list of coast earth stations through which medical advice can be obtained;
- (c) the lists shall be kept up to date and in the custody of the person on board responsible for communication duties.

4. Seafarers on board requesting medical advice by radio or satellite communication shall be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the *International Code of Signals* published by the International Maritime Organization so as to enable them to understand the type of information needed by the advising doctor as well as the advice received.

5. The competent authority shall ensure that doctors providing medical advice in accordance with this Article receive appropriate training and are aware of shipboard conditions.

Article 8

1. All ships to which this Convention applies carrying 100 or more seafarers and ordinarily engaged on international voyages of more than three days' duration shall carry a medical doctor as a member of the crew responsible for providing medical care.

2. National laws or regulations shall determine which other ships shall be required to carry a medical doctor as a member of the crew, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board.

Article 9

1. All ships to which this Convention applies and which do not carry a doctor shall carry as members of the crew one or more specified persons in charge of medical care and the administering of medicines as part of their regular duties.

2. Persons in charge of medical care on board who are not doctors shall have satisfactorily completed a course approved by the competent authority of theoretical and applied training in medical skills. This course shall comprise—

- (a) for ships of less than 1,600 gross tonnage which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours, elementary training which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on board ship and to make use of medical advice by radio or satellite communication;

(b) for all other ships, more advanced medical training, including practical training in the emergency/casualty department of a hospital where practicable and training in life-saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in co-ordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board. Wherever possible, this training shall be provided under the supervision of a physician with a thorough knowledge and understanding of the medical problems and circumstances relating to the seafaring profession, including expert knowledge of radio or satellite communication medical services.

3. The courses referred to in this Article shall be based on the contents of the most recent edition of the *International Medical Guide for Ships*, the *Medical First Aid Guide for Use in Accidents involving Dangerous Goods*, the *Document for Guidance - An International Maritime Training Guide* published by the International Maritime Organization, and the medical section of the *International Code of Signals* as well as similar national guides.

4. Persons referred to in paragraph 2 of this Article and such other seafarers as may be required by the competent authority shall undergo refresher courses to enable them to maintain and increase their knowledge and skills and to keep abreast of new developments, at approximately five-year intervals.

5. All seafarers, during their maritime vocational training, shall receive instruction on the immediate action that should be taken on encountering an accident or other medical emergency on board.

6. In addition to the person or persons in charge of medical care on board, a specified crew member or crew members shall receive elementary training in medical care to enable him or them to take immediate effective action in case of accidents or illnesses likely to occur on board ship.

Article 10

All ships to which this Convention applies shall provide all possible medical assistance, where practicable, to other vessels which may request it.

Article 11

1. In any ship of 500 or more gross tonnage, carrying 15 or more seafarers and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided. The competent authority may relax this requirement in respect of ships engaged in coastal trade.

2. In any ship of between 200 and 500 gross tonnage and in tugs this Article shall be applied where reasonable and practicable.

3. This Article does not apply to ships primarily propelled by sail.

4. The hospital accommodation shall be suitably situated, so that it is easy of access and so that the occupants may be comfortably housed and may receive proper attention in all weathers.

5. The hospital accommodation shall be so designed as to facilitate consultation and the giving of medical first aid.

6. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.

7. The number of hospital berths required shall be prescribed by the competent authority.

8. Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto.

9. Hospital accommodation shall not be used for other than medical purposes.

Article 12

1. A standard medical report form for seafarers shall be adopted by the competent authority as a model for use by ships' doctors, masters or persons in charge of medical care on board and hospitals or doctors ashore.

2. The form shall be specially designed to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury.

3. The information contained in the medical report form shall be kept confidential and shall be used for no other purpose than to facilitate the treatment of seafarers.

Article 13

1. Members for which this Convention is in force shall co-operate with one another in promoting protection of the health of seafarers and medical care for them on board ship.

2. Such co-operation might cover the following matters:

- (a) developing and co-ordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for the seriously ill or injured on board a ship through such means as periodic ship position reporting systems, rescue co-ordination centres and emergency helicopter services, in conformity with the provisions of the International Convention of Maritime Search and Rescue, 1979, and the *Merchant Ship Search and Rescue Manual* and *IMO Search and Rescue Manual* developed by the International Maritime Organization;
- (b) making optimum use of fishing vessels carrying a doctor and stationing ships at sea which can provide hospital and rescue facilities;
- (c) compiling and maintaining an international list of doctors and medical care facilities available world-wide to provide emergency medical care to seafarers;
- (d) landing seafarers in port for emergency treatment;
- (e) repatriating seafarers hospitalised abroad as soon as practicable, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
- (f) arranging personal assistance for seafarers during repatriation, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
- (g) endeavouring to set up health centres for seafarers to—
 - (i) conduct research on the health status, medical treatment and preventive health care of seafarers;
 - (ii) train medical and health service staff in maritime medicine;

- (h) collecting and evaluating statistics concerning occupational accidents, diseases and fatalities to seafarers and integrating and harmonising them with any existing national system of statistics on occupational accidents, diseases and fatalities covering other categories of workers;
- (i) organising international exchanges of technical information, training material and personnel, as well as international training courses, seminars and working groups;
- (j) providing all seafarers with special curative and preventive health and medical services in port, or making available to them general health, medical and rehabilitation services;
- (k) arranging for the repatriation of the bodies or ashes, in accordance with the wishes of the next of kin, of deceased seafarers as soon as practicable.

3. International co-operation in the field of health protection and medical care for seafarers shall be based on bilateral or multilateral agreements or consultations among Members.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the

attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 19

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this sixteenth day of October 1987.

The President of the Conference,

WERNER DOLLINGER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

Convention 165

Convention concerning Social Security for Seafarers (Revised)

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-fourth Session on 24 September 1987, and

Having decided upon the adoption of certain proposals with regard to the social security protection for seafarers including those serving in ships flying flags other than those of their own country, which is the third item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Sickness Insurance (Sea) Convention, 1936, and the Social Security (Seafarers) Convention, 1946,

adopts this ninth day of October of the year one thousand nine hundred and eighty-seven the following Convention, which may be cited as the Social Security (Seafarers) Convention (Revised), 1987.

PART I. GENERAL PROVISIONS

Article 1

In this Convention—

- (a) the term “Member” means any Member of the International Labour Organisation that is bound by the Convention;
- (b) the term “legislation” includes any social security rules as well as laws and regulations;
- (c) the term “seafarers” means persons employed in any capacity on board a seagoing ship which is engaged in the transport of cargo or passengers for the purpose of trade, is utilised for any other commercial purpose or is a seagoing tug, with the exception of persons employed on —
 - (i) small vessels including those primarily propelled by sail, whether or not they are fitted with auxiliary engines;
 - (ii) vessels such as oil rigs and drilling platforms when not engaged in navigation;the decision as to which vessels and installations are covered by clauses (i) and (ii) being taken by the competent authority of each Member in consultation with the most representative organisations of shipowners and seafarers;
- (d) the term “dependant” has the meaning assigned to it by national legislation;
- (e) the term “survivors” means persons defined or recognised as such by the legislation under which the benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased;
- (f) the term “competent Member” means the Member under whose legislation the person concerned can claim benefit;
- (g) the term “residence” and “resident” refer to ordinary residence;
- (h) the term “temporarily resident” refers to a temporary stay;

- (i) the term “repatriation” means transportation to a place to which seafarers are entitled to be returned under laws and regulations or collective agreements applicable to them;
- (j) the term “non-contributory” applies to benefits the award of which does not depend on direct financial participation by the persons protected or by their employer, or on a qualifying period of occupational activity;
- (k) the term “refugee” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 and in paragraph 2 of Article 1 of the Protocol relating to the Status of Refugees of 31 January 1967;
- (l) the term “stateless person” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954.

Article 2

1. The Convention applies to all seafarers and, where applicable, their dependants and their survivors.

2. To the extent it deems practicable, after consultation with the representative organisations of fishing vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

Article 3

Members are bound to comply with the provisions of Article 9 or Article 11 in respect of at least three of the following branches of social security:

- (a) medical care;
- (b) sickness benefit;
- (c) unemployment benefit;
- (d) old-age benefit;
- (e) employment injury benefit;
- (f) family benefit;
- (g) maternity benefit;
- (h) invalidity benefit;
- (i) survivors' benefit;

including at least one of the branches specified in subparagraphs (c), (d), (e), (h) and (i).

Article 4

Each Member shall specify at the time of its ratification in respect of which of the branches mentioned in Article 3 it accepts the obligations of Article 9 or Article 11, and shall indicate separately in respect of each of the branches specified whether it undertakes to apply the minimum standards of Article 9 or the superior standards of Article 11 to that branch.

Article 5

Each Member may subsequently notify the Director-General of the International Labour Office that it accepts, with effect from the date of the notification, the obligations of this Convention in respect of one or more of the branches mentioned in Article 3 not already specified at the time of its ratification, indicating separately in respect of each of these branches whether it undertakes to apply to that branch the minimum standards of Article 9 or the superior standards of Article 11.

Article 6

A Member may by a notification to the Director-General of the International Labour Office, which shall take effect as from the date of the notification, subsequently replace the application of the provisions of Article 9 by that of the provisions of Article 11 in respect of any branch accepted.

PART II. PROTECTION PROVIDED

GENERAL STANDARDS

Article 7

The legislation of each Member shall provide for seafarers to whom the legislation of that Member is applicable social security protection not less favourable than that enjoyed by shoreworkers in respect of each of the branches of social security mentioned in Article 3 for which it has legislation in force.

Article 8

Arrangements for the maintenance of rights in course of acquisition by a person who, having ceased to be subject to a Member's scheme of compulsory social security for seafarers, becomes subject to an equivalent scheme of that Member for shoreworkers, or vice versa, shall be made between the schemes concerned.

MINIMUM STANDARDS

Article 9

When a Member has undertaken to apply the provisions of this Article to any branch of social security, seafarers and, where applicable, their dependants and survivors who are protected by the legislation of that Member shall be entitled to social security benefits not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in the following provisions of the Social Security (Minimum Standards) Convention, 1952, for the branch in question:

- (a) for *medical care* in Articles 8, 10 (paragraphs 1, 2 and 3), 11 and 12 (paragraph 1);
- (b) for *sickness benefit* in Articles 14, 16 (in conjunction with Article 65 or 66 or 67), 17 and 18 (paragraph 1);
- (c) for *unemployment benefit* in Articles 20, 22 (in conjunction with Article 65 or 66 or 67), 23 and 24;
- (d) for *old-age benefit* in Articles 26, 28 (in conjunction with Article 65 or 66 or 67), 29 and 30;
- (e) for *employment injury benefit* in Articles 32, 34 (paragraphs 1, 2 and 4), 35, 36 (in conjunction with Article 65 or 66) and 38;
- (f) for *family benefit* in Articles 40, 42, 43, 44 (in conjunction with Article 66, where applicable) and 45;
- (g) for *maternity benefit* in Articles 47, 49 (paragraphs 1, 2 and 3), 50 (in conjunction with Article 65 or 66), 51 and 52;

- (h) for *invalidity benefit* in Articles 54, 56 (in conjunction with Article 65 or 66 or 67), 57 and 58;
- (i) for *survivors' benefit* in Articles 60, 62 (in conjunction with Article 65 or 66 or 67), 63 and 64.

Article 10

For the purpose of compliance with the provisions of subparagraphs (a), (b), (c), (d), (g) (as regards medical care), (h) or (i) of Article 9, a Member may take account of protection effected by means of insurance which is not made compulsory for seafarers by its legislation when this insurance—

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of shipowners and seafarers;
- (b) covers a substantial proportion of the seafarers whose earnings do not exceed those of a skilled employee; and
- (c) complies, in conjunction with other forms of protection where appropriate, with the relevant provisions of the Social Security (Minimum Standards) Convention, 1952.

SUPERIOR STANDARDS

Article 11

When a Member has undertaken to apply the provisions of this Article to any branch of social security, seafarers and, where applicable, their dependants and survivors who are protected by the legislation of that Member shall be entitled to social security benefits not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified—

- (a) for *medical care* in Articles 7(a), 8, 9, 13, 15, 16 and 17 of the Medical Care and Sickness Benefits Convention, 1969;
- (b) for *sickness benefit* in Articles 7(b), 18, 21 (in conjunction with Article 22 or 23 or 24), 25 and 26 (paragraphs 1 and 3) of the Medical Care and Sickness Benefits Convention, 1969;
- (c) for *old-age benefit* in Articles 15, 17 (in conjunction with Article 26 or 27 or 28), 18, 19 and 29 (paragraph 1) of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;
- (d) for *employment injury benefit* in Articles 6, 9 (paragraphs 2 and 3 (introductory sentence)), 10, 13 (in conjunction with Article 19 or 20), 14 (in conjunction with Article 19 or 20), 15 (paragraph 1), 16, 17, 18 (paragraphs 1 and 2) (in conjunction with Article 19 or 20) and 21 (paragraph 1) of the Employment Injury Benefits Convention, 1964;
- (e) for *maternity benefit* in Articles 3 and 4 of the Maternity Protection Convention (Revised), 1952;
- (f) for *invalidity benefit* in Articles 8, 10 (in conjunction with Article 26 or 27 or 28), 11, 12, 13 and 29 (paragraph 1) of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;
- (g) for *survivors' benefit* in Articles 21, 23 (in conjunction with Article 26 or 27 or 28), 24, 25 and 29 (paragraph 1) of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;
- (h) for *unemployment benefit* and *family benefit* in any future Convention laying down standards superior to those specified in subparagraphs (c) and (f) of Article 9 which the General Conference of the International Labour Organisation has, after its coming into force, recognised as applicable for the purpose

of this clause by means of a Protocol adopted in the framework of a special maritime question included in its agenda.

Article 12

For the purpose of compliance with the provisions of subparagraphs (a), (b), (c), (e) (as regards medical care), (f), (g) or (h) (unemployment benefit) of Article 11, a Member may take account of protection effected by means of insurance which is not made compulsory for seafarers by its legislation when this insurance –

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of shipowners and seafarers;
- (b) covers a substantial proportion of seafarers whose earnings do not exceed those of a skilled employee; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the provisions of the Conventions referred to in the above-mentioned clauses of Article 11.

PART III. SHIPOWNER'S LIABILITY

Article 13

The shipowner shall be required to provide to seafarers whose condition requires medical care while they are on board or who are left behind by reason of their condition in the territory of a State other than the competent Member –

- (a) proper and sufficient medical care until their recovery or until their repatriation, whichever first occurs;
- (b) board and lodging until they are able to obtain suitable employment or are repatriated, whichever first occurs; and
- (c) repatriation.

Article 14

Seafarers who by reason of their condition are left behind in the territory of a State other than the competent Member shall continue to be entitled to their full wages (exclusive of bonuses) from the time when they are left behind until they receive an offer of suitable employment, or until they are repatriated, or until the expiry of a period of a length (which shall not be less than 12 weeks) prescribed by the national laws or regulations of that Member or by collective agreement, whichever event first occurs. The shipowner shall cease to be liable for the payment of wages from the time such seafarers are entitled to cash benefits under the legislation of the competent Member.

Article 15

Seafarers who by reason of their condition are repatriated or are landed in the territory of the competent Member shall continue to be entitled to their full wages (exclusive of bonuses) from the time when they are repatriated or landed until their recovery, or until the expiry of a period of a length (which shall not be less than 12 weeks) prescribed by the national laws or regulations of that Member or by collective agreement, whichever event first occurs. Any period during which wages were paid by virtue of Article 14 shall be deducted from such period. The shipowner shall cease to be liable for the payment of wages from the time such seafarers are entitled to cash benefits under the legislation of the competent Member.

PART IV. PROTECTION OF FOREIGN OR MIGRANT SEAFARERS

Article 16

The following rules shall apply to seafarers who are or have been subject to the legislation of one or more Members, as well as, where applicable, to their dependants and their survivors, in respect of any branch of social security specified in Article 3 for which any such Member has legislation applicable to seafarers in force.

Article 17

With a view to avoiding conflicts of laws and the undesirable consequences that might ensue for those concerned either through lack of protection or as a result of undue plurality of contributions or other liabilities or of benefits, the legislation applicable in respect of seafarers shall be determined by the Members concerned in accordance with the following rules:

- (a) seafarers shall be subject to the legislation of one Member only;
- (b) in principle this legislation shall be
 - the legislation of the Member whose flag the ship is flying, or
 - the legislation of the Member in whose territory the seafarer is resident;
- (c) notwithstanding the rules set forth in the preceding subparagraphs, Members concerned may determine, by mutual agreement, other rules concerning the legislation applicable to seafarers, in the interest of the persons concerned.

Article 18

Seafarers who are subject to the legislation of a Member and are nationals of another Member, or are refugees or stateless persons resident in the territory of a Member, shall enjoy under that legislation equality of treatment with the nationals of the first Member, both as regards coverage and as regards the right to benefits. They shall enjoy equality of treatment without any condition of residence on the territory of the first Member if its nationals are protected without any such condition. This requirement shall also apply, where appropriate, as regards the right to benefit of seafarers' dependants and survivors irrespective of their nationality.

Article 19

Notwithstanding the provisions of Article 18, the award of non-contributory benefits may be made conditional on the beneficiary having resided in the territory of the competent Member or, in the case of survivors' benefit, on the deceased having resided there for a period which may not be set at more than—

- (a) six months immediately preceding the lodging of the claim, for unemployment benefit and maternity benefit;
- (b) five consecutive years immediately preceding the lodging of the claim, for invalidity benefit, or immediately preceding the death, for survivors' benefit;
- (c) ten years between the age of 18 and the pensionable age, of which it may be required that five years shall immediately precede the lodging of the claim, for old-age benefit.

Article 20

The laws and regulations of each Member relating to shipowners' liability provided for in Articles 13 to 15 shall ensure equality of treatment to seafarers irrespective of their place of residence.

Article 21

Each Member shall endeavour to participate with every other Member concerned in schemes for the maintenance of rights in course of acquisition, as regards each branch of social security specified in Article 3, for which each of these Members has legislation in force, for the benefit of persons who have been subject successively or alternately, in the capacity of seafarers, to the legislation of the said Members.

Article 22

The schemes for the maintenance of rights in course of acquisition referred to in Article 21 shall provide for the adding together, to the extent necessary, of periods of insurance, employment or residence, as the case may be, completed under the legislation of the Members concerned for the purposes of acquisition, maintenance or recovery of rights and, as the case may be, calculation of benefits.

Article 23

The schemes for the maintenance of rights in course of acquisition referred to in Article 21 shall determine the formula for awarding invalidity, old-age and survivors' benefits, as well as the apportionment, where appropriate, of the costs involved.

Article 24

Each Member shall guarantee the provision of invalidity, old-age and survivors' cash benefits, pensions in respect of employment injuries and death grants, to which a right is acquired under its legislation, to beneficiaries who are nationals of a Member or refugees or stateless persons, irrespective of their place of residence, subject to measures for this purpose being taken, where necessary, by agreement between the Members or with the States concerned.

Article 25

Notwithstanding the provisions of Article 24, in the case of non-contributory benefits the Members concerned shall determine by mutual agreement the conditions under which the provision of these benefits shall be guaranteed to beneficiaries resident outside the territory of the competent Member.

Article 26

A Member having accepted the obligations of the Equality of Treatment (Social Security) Convention, 1962, for one or more of the branches of social security referred to in Article 24, but not those of the Maintenance of Social Security Rights Convention, 1982, may, in respect of each branch for which it has accepted the obligations of the first-mentioned Convention, derogate from the provisions of Article 24 and apply in its place the provisions of Article 5 of that Convention.

Article 27

Members concerned shall endeavour to participate in schemes for the maintenance of rights acquired under their legislation as regards each of the following branches of social security for which each of these Members has legislation applicable to seafarers in force: medical care, sickness benefit, unemployment benefit, employment injury benefits other than pensions and death grants, family benefit and maternity benefit. These schemes shall guarantee such benefits to persons resident or temporarily resident in the territory of one of these Members

other than the competent Member, under conditions and within limits to be determined by mutual agreement between the Members concerned.

Article 28

The provisions of this Part do not apply to social and medical assistance.

Article 29

Members may derogate from the provisions of Articles 16 to 25 and Article 27 by making special arrangements in the framework of bilateral or multilateral instruments concluded amongst two or more of them, on condition that these do not affect the rights and obligations of other Members and provide for the protection of foreign or migrant seafarers in matters of social security under provisions which, in the aggregate, are at least as favourable as those required under these Articles.

PART V. LEGAL AND ADMINISTRATIVE SAFEGUARDS

Article 30

Every person concerned shall have a right of appeal in case of refusal of the benefit or complaint as to its nature, level, amount or quality.

Article 31

Where a government department responsible to a legislature is entrusted with the administration of medical care, every person concerned shall have a right, in addition to the right of appeal provided for in Article 30, to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

Article 32

Each Member shall make provision for securing the rapid and inexpensive settlement of disputes concerning the shipowner's liability provided for in Articles 13 to 15.

Article 33

Members shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

Article 34

Members shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 35

Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature—

- (a) representatives of the seafarers protected shall participate in the management under conditions prescribed by national legislation;
- (b) national legislation shall also, where appropriate, provide for the participation of representatives of the shipowners;
- (c) national legislation may also provide for the participation of representatives of the public authorities.

PART VI. FINAL PROVISIONS

Article 36

This Convention revises the Sickness Insurance (Sea) Convention, 1936, and the Social Security (Seafarers) Conventions, 1946.

Article 37

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 38

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General of the International Labour Office.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 39

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories for whose international relations it is responsible in accordance with the provisions of the Constitution of the International Labour Organisation.

Article 40

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 41

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General of the International Labour Office shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 42

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 43

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 44

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 40 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 45

The English and French versions of the text of this Convention are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this sixteenth day of October 1987.

The President of the Conference,

WERNER DOLLINGER .

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

Convention 166

Convention concerning the Repatriation of Seafarers (Revised)

The General Conference of the International Labour Organisation,
Having been convened in Geneva by the Governing Body of the International Labour Office and having met at its Seventy-fourth Session on 24 September 1987, and

Noting that since the adoption of the Repatriation of Seamen Convention, 1926, and of the Repatriation (Ship Masters and Apprentices) Recommendation, 1926, developments in the shipping industry have made it necessary to revise the Convention to incorporate appropriate elements of the Recommendation, and

Noting further that considerable progress has been made through national legislation and practice in providing for the repatriation of seafarers in various matters not covered by the Repatriation of Seamen Convention, 1926, and

Considering that further action by means of a new international instrument as regards certain additional aspects of the repatriation of seafarers would accordingly be desirable taking into account the widespread growth in employment of non-national seafarers in the shipping industry, and

Having decided upon the adoption of certain proposals with regard to the Revision of the Repatriation of Seamen Convention, 1926 (No. 23), and of the Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27), which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ninth day of October of the year one thousand nine hundred and eighty-seven the following Convention which may be cited as the Repatriation of Seafarers Convention (Revised), 1987.

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to every seagoing ship whether publicly or privately owned which is registered in the territory of any Member for which the Convention is in force and which is ordinarily engaged in commercial maritime navigation and to the owners and seafarers of such ships.

2. To the extent it deems practicable, after consultation with the representative organisations of fishing vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

3. In the event of doubt as to whether or not any ships are to be regarded as engaged in commercial maritime navigation or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the competent authority after consultation with the organisations of shipowners, seafarers and fishermen concerned.

4. For the purpose of this Convention the term "seafarer" means any person who is employed in any capacity on board a seagoing ship to which this Convention applies.

PART II. ENTITLEMENTS

Article 2

1. A seafarer shall be entitled to repatriation in the following circumstances:

- (a) if an engagement for a specific period or for a specific voyage expires abroad;
- (b) upon the expiry of the period of notice given in accordance with the provisions of the articles of agreement or the seafarer's contract of employment;

- (c) in the event of illness or injury or other medical condition which requires his or her repatriation when found medically fit to travel;
- (d) in the event of shipwreck;
- (e) in the event of the shipowner not being able to continue to fulfil his or her legal or contractual obligations as an employer of the seafarer by reason of bankruptcy, sale of ship, change of ship's registration or any other similar reason;
- (f) in the event of a ship being bound for a war zone, as defined by national laws or regulations or collective agreements, to which the seafarer does not consent to go;
- (g) in the event of termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.

2. National laws or regulations or collective agreements shall prescribe the maximum duration of service periods on board following which a seafarer is entitled to repatriation; such periods shall be less than 12 months. In determining the maximum periods, account shall be taken of factors affecting the seafarers' working environment. Each Member shall seek, wherever possible, to reduce these periods in the light of technological changes and developments and may be guided by any recommendations made on the matter by the Joint Maritime Commission.

PART III. DESTINATION

Article 3

1. Each Member for which this Convention is in force shall prescribe by national laws or regulations the destinations to which seafarers may be repatriated.

2. The destinations so prescribed shall include the place at which the seafarer agreed to enter into the engagement, the place stipulated by collective agreement, the seafarer's country of residence or such other place as may be mutually agreed at the time of engagement. The seafarer shall have the right to choose from among the prescribed destinations the place to which he or she is to be repatriated.

PART IV. ARRANGEMENTS FOR REPATRIATION

Article 4

1. It shall be the responsibility of the shipowner to arrange for repatriation by appropriate and expeditious means. The normal mode of transport shall be by air.

2. The cost of repatriation shall be borne by the shipowner.

3. Where repatriation has taken place as a result of a seafarer being found, in accordance with national laws or regulations or collective agreements, to be in serious default of his or her employment obligations, nothing in this Convention shall prejudice the right of recovery from the seafarer of repatriation costs or part thereof in accordance with national laws or regulations or collective agreements.

4. The cost to be borne by the shipowner shall include:

- (a) passage to the destination selected for repatriation in accordance with Article 3 above;
- (b) accommodation and food from the moment the seafarer leaves the ship until he or she reaches the repatriation destination;

- (c) pay and allowances from the moment he or she leaves the ship until he or she reaches the repatriation destination, if provided for by national laws or regulations or collective agreements;
- (d) transportation of 30 kg of the seafarer's personal luggage to the repatriation destination;
- (e) medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.

5. The shipowner shall not require the seafarer to make an advance payment towards the cost of repatriation at the beginning of his or her employment, nor shall the shipowner recover the cost of repatriation from the seafarer's wages or other entitlements except as provided for in paragraph 3 above.

6. National laws or regulations shall not prejudice any right of the shipowner to recover the cost of repatriation of seafarers not employed by the shipowner from their employer.

Article 5

If a shipowner fails to make arrangements for or to meet the cost of repatriation of a seafarer who is entitled to be repatriated—

- (a) the competent authority of the Member in whose territory the ship is registered shall arrange for and meet the cost of the repatriation of the seafarer concerned; if it fails to do so, the State from which the seafarer is to be repatriated or the State of which he or she is a national may arrange for his or her repatriation and recover the cost from the Member in whose territory the ship is registered;
- (b) costs incurred in repatriating the seafarer shall be recoverable from the shipowner by the Member in whose territory the ship is registered;
- (c) the expenses of repatriation shall in no case be a charge upon the seafarer, except as provided for in paragraph 3 of Article 4 above.

PART V. OTHER ARRANGEMENTS

Article 6

Seafarers who are to be repatriated shall be able to obtain their passport and other identity documents for the purpose of repatriation.

Article 7

Time spent awaiting repatriation and repatriation travel time shall not be deducted from paid leave accrued to the seafarer.

Article 8

A seafarer shall be deemed to have been duly repatriated when he or she is landed at a destination prescribed pursuant to Article 3 above, or when the seafarer does not claim his or her entitlement to repatriation within a reasonable period of time to be defined by national laws or regulations or collective agreements.

Article 9

The provisions of this Convention in so far as they are not otherwise made effective by means of collective agreements or in such other manner as may be

appropriate under national conditions shall be given effect by national laws or regulations.

Article 10

Each Member shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.

Article 11

The competent authority of each Member shall ensure by means of adequate supervision that the owners of ships registered in its territory comply with the provisions of the Convention, and shall provide relevant information to the International Labour Office.

Article 12

The text of this Convention shall be available in an appropriate language to the crew members of every ship which is registered in the territory of any Member for which it is in force.

PART VI. FINAL PROVISIONS

Article 13

This Convention revises the Repatriation of Seamen Convention, 1926.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General of the International Labour Office.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General of the International Labour Office shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 19

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this sixteenth day of October 1987.

The President of the Conference,

WERNER DOLLINGER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

Recommendation 173

Recommendation concerning Seafarers' Welfare at Sea and in Port

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-fourth Session on 24 September 1987, and

Recalling the provisions of the Seamen's Welfare in Ports Recommendation, 1936, and the Seafarers' Welfare Recommendation, 1970, and

Having decided upon the adoption of certain proposals with regard to seafarers' welfare at sea and in port which is the second item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Seafarers' Welfare Convention, 1987,

adopts this eighth day of October of the year one thousand nine hundred and eighty-seven the following Recommendation, which may be cited as the Seafarers' Welfare Recommendation, 1987.

I. GENERAL

1. For the purposes of this Recommendation :

- (a) the term "seafarer" means any person who is employed in any capacity on board a seagoing ship, whether publicly or privately owned, other than a ship of war ;
- (b) the term "welfare facilities and services" means welfare, cultural, recreational and information facilities and services.

2. To the extent it deems practicable, after consultation with the representative organisations of fishing vessel owners and fishermen, the competent authority should apply the provisions of this Recommendation to commercial maritime fishing.

3. (1) Measures should be taken by Members to ensure that adequate welfare facilities and services are provided for seafarers both in port and on board ship, and that adequate protection is provided to seafarers in the exercise of their calling.

(2) In the implementation of these measures, Members should take into account the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities.

4. Arrangements for the supervision of welfare facilities and services should include participation by representative organisations of seafarers and shipowners.

5. The welfare facilities and services provided pursuant to this Recommendation should be available to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the State in which the ship on which they are employed is registered.

6. Members should co-operate with one another in promoting the welfare of seafarers at sea and in port. Such co-operation should include the following :

- (a) consultations between the competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board ship;
- (b) agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;
- (c) organising international sports competitions and encouraging the participation of seafarers in sports activities;
- (d) organising international seminars on the subject of welfare of seafarers at sea and in port.

II. WELFARE FACILITIES AND SERVICES IN PORTS

7. (1) Members should provide or ensure the provision of such welfare facilities and services as may be required in appropriate ports of the country.

(2) Members should consult with the representative organisations of shipowners and seafarers in determining the appropriate ports.

(3) Welfare facilities and services should be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

8. (1) Welfare facilities and services should be provided, in accordance with national conditions and practice, by one or more of the following:

- (a) the public authorities;
- (b) the shipowners' and seafarers' organisations under collective agreements or other agreed arrangements;
- (c) voluntary organisations.

(2) Measures should be taken to ensure that, as necessary, technically competent persons are employed full time in the operation of seafarers' welfare facilities and services, in addition to any voluntary workers.

9. (1) Welfare boards should be established, at the port, regional and national levels, as appropriate, whose functions should include—

- (a) keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of underutilised facilities;
- (b) assisting and advising those responsible for providing welfare facilities and ensuring co-ordination between them.

(2) Welfare boards should include among their members representatives of organisations of shipowners and seafarers, the competent authorities and, where appropriate, voluntary organisations and social bodies.

(3) As appropriate, consuls of maritime States and local representatives of foreign welfare organisations should be associated with the work of port, regional and national welfare boards in accordance with national laws and regulations.

10. (1) Members should ensure that adequate and regular financial support is provided for seafarers' welfare facilities and services.

(2) In accordance with national conditions and practice, this financial support should be made available through one or more of the following:

- (a) grants from public funds;
- (b) levies or other special dues from shipping sources;

- (c) voluntary contributions from shipowners, seafarers, or their organisations;
- (d) voluntary contributions from other sources.

(3) Where welfare taxes, levies and special dues are imposed, they should be used only for the purposes for which they are raised.

11. Hotels or hostels suitable for seafarers should be available where there is need for them. Such hotels or hostels should be properly supervised, the prices charged should be reasonable in amount and, where necessary and possible, provision should be made for accommodating seafarers' families.

12. (1) Necessary welfare and recreational facilities should be established or developed in ports. These should include—

- (a) meeting and recreation rooms as required;
- (b) facilities for sports and outdoor facilities, including competitions;
- (c) educational facilities;
- (d) where appropriate, facilities for religious observances and for personal counselling.

(2) These facilities may be provided by making available to seafarers in accordance with their needs facilities designed for more general use.

13. Where large numbers of seafarers of different nationalities require facilities such as hotels, clubs and sports facilities in a particular port, the competent authorities or bodies of the countries of origin of the seafarers and of the flag States, as well as the international associations concerned, should consult and co-operate with the competent authorities and bodies of the country in which the port is situated and with one another, with a view to the pooling of resources and to avoiding unnecessary duplication.

14. (1) Information should be disseminated among seafarers concerning facilities open to the general public in ports of call—particularly transport, welfare, entertainment and educational facilities and places of worship—as well as facilities provided specifically for seafarers.

(2) The means of disseminating such information might include—

- (a) the distribution on shore and, subject to the consent of the master, on board ship, of booklets in the most appropriate languages giving clear information as to the facilities available for seafarers in the port of call or in the next port for which the ship is bound; such booklets should contain a plan of the urban area and port;
- (b) the creation in the larger ports of information offices, easily accessible to seafarers and staffed by persons capable of giving directly such explanations and guidance as may be useful.

15. Adequate means of transportation at moderate prices should be available at any reasonable time, when needed in order to enable seafarers to reach urban areas from convenient locations in the port.

16. All suitable measures should be taken to make known to seafarers entering port—

- (a) any particular hazards and diseases to which they may be exposed and means of avoiding them;
- (b) the necessity for persons suffering from diseases to undergo early treatment and the nearest facilities available for such treatment;
- (c) the dangers arising from the use of narcotics and alcohol.

17. Measures should be taken to ensure that seafarers have access when in port to—

- (a) out-patient treatment for sickness and injury;
- (b) hospitalisation when necessary;
- (c) facilities for dental treatment, especially in cases of emergency.

18. All suitable measures should be taken by the competent authorities to make known to shipowners and to seafarers entering port any special laws and customs, the contravention of which may jeopardise their freedom.

19. Port areas and access roads should be provided by the competent authorities with adequate lighting and signposting and regular patrols for the protection of seafarers.

20. (1) For the protection of foreign seafarers, measures should be taken to facilitate—

- (a) access to their consuls;
- (b) effective co-operation between consuls and the local or national authorities.

(2) Whenever a seafarer is detained for any reason in the territory of a Member, the competent authority should, if he so requests, immediately inform the flag State and the State of nationality of the seafarer. The competent authority should promptly inform the seafarer of the right to make such a request. The State of nationality of the seafarer should promptly notify the seafarer's next of kin. If a seafarer is interned, the Member should allow consular officers of these States immediate access to the seafarer and regular visits thereafter so long as the seafarer is interned.

(3) The case of a detained seafarer should be dealt with promptly under due process of law, and the flag State and the State of nationality of the detained seafarer should be kept informed of developments as they occur.

21. (1) Every possible practical assistance should be given to seafarers stranded in foreign ports pending their repatriation.

(2) In the event of delay in the repatriation of seafarers, the competent authority should ensure that the consular or local representative of the flag State is informed immediately.

22. Members should take measures, whenever necessary, to ensure the safety of seafarers from aggression and other unlawful acts while ships are in their territorial waters and especially in approaches to ports.

III. WELFARE FACILITIES AND SERVICES AT SEA

23. (1) Welfare facilities and amenities should be provided on board ship for the benefit of the seafarers. Where practicable such facilities should include—

- (a) television viewing and the reception of radio broadcasts;
- (b) projection of films or video films, the stock of which should be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;
- (c) sports equipment including exercise equipment, table games, deck games;
- (d) where possible, facilities for swimming;
- (e) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;

(f) facilities for recreational handicrafts.

(2) Where possible and appropriate, the provision of bars on board ship for seafarers should be considered, unless this is contrary to national, religious or social customs.

24. Vocational training schemes for seafarers should, where appropriate, include education and information on matters affecting their welfare, including general health hazards.

25. (1) Access to ship-to-shore telephone communications, where available, should be granted and charges for the use of the service should be reasonable in amount.

(2) Every effort should be made to ensure that the forwarding of seafarers' mail is as reliable and expeditious as possible. Efforts should also be made to avoid seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control.

26. (1) Measures should be taken to ensure, subject to any applicable national or international laws or regulations, that whenever possible and reasonable seafarers are expeditiously granted permission to have their spouses, relatives and friends as visitors on board their ship when in port.

(2) Consideration should be given to the possibility of allowing seafarers to be accompanied by their spouses on an occasional voyage where this is practicable and reasonable. Such spouses should carry adequate insurance cover against accident and illness; the shipowners should give every assistance to the seafarer to effect such insurance.

27. Every effort should be made by those responsible in port and on board ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.

IV. SAVINGS AND REMITTANCE OF WAGES

28. In order to help seafarers to save and to transmit their savings to their families—

- (a) there should be adopted a simple, rapid and safe system, operating with the assistance of consuls or other competent authorities, masters, shipowners' agents or reliable financial institutions, for enabling seafarers, and more especially those who are in a foreign country or serving in a ship registered in a country other than their own, to deposit or remit the whole or part of their wages;
- (b) a system for enabling seafarers, at the time of their signing on or during the voyage, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families should be instituted or made of more general application;
- (c) allotments should be remitted in due time and directly to the person or persons nominated by the seafarer;
- (d) efforts should be made to provide independent confirmation that seafarers' allotments are actually remitted to the person or persons nominated.

IN FAITH WHEREOF we have appended our signatures this sixteenth day of October 1987.

The President of the Conference,

WERNER DOLLINGER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

Recommendation 174

Recommendation concerning the Repatriation of Seafarers

The General Conference of the International Labour Organisation,
Having been convened in Geneva by the Governing Body of the International Labour Office and having met at its Seventy-fourth Session on 24 September 1987, and

Having decided upon the adoption of certain proposals with regard to the revision of the Repatriation of Seamen Convention, 1926 (No. 23), and of the Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27), which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Recommendation supplementing the Repatriation of Seafarers Convention (Revised), 1987,

adopts this ninth day of October of the year one thousand nine hundred and eighty-seven the following Recommendation which may be cited as the Repatriation of Seafarers Recommendation, 1987:

Whenever a seafarer is entitled to be repatriated pursuant to the provisions of the Repatriation of Seafarers Convention (Revised), 1987, but both the shipowner and the Member in whose territory the ship is registered fail to meet their obligations under the Convention to arrange for and meet the cost of repatriation, the State from which the seafarer is to be repatriated or the State of which he or she is a national should arrange for his or her repatriation, and recover the cost from the Member in whose territory the ship is registered in accordance with Article 5 (a) of the Convention.

IN FAITH WHEREOF we have appended our signatures this sixteenth day of October 1987.

The President of the Conference,

WERNER DOLLINGER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

RESOLUTIONS

I

Resolution concerning the expediting of legal proceedings in cases of abandonment of seafarers and in the sale of arrested vessels ¹

The General Conference of the International Labour Organisation,

Conscious that in many cases of abandonment of seafarers the recourse of the seafarers with regard to costs of their repatriation and recovery of their unpaid wages is limited to arrest of the ship and the final consequence of *in rem* legal proceedings,

Being further conscious that in a significant number of cases where repatriation is immediately available the seafarers, very concerned about losing their accrued wages and leave pay, none the less insist upon remaining with the vessel until she is sold and they are paid off from the proceeds,

Noting that lengthy delays in such *in rem* legal proceedings are common, that such delays inevitably result in increased costs of litigation (including the costs taxed by the court for the keeping of the ship in custody) and also result in deterioration of the ship with consequent loss of value, both of which effects act to diminish radically the chances of full satisfaction of the seafarers' claims,

Urgently recommends the governments of member States to take the initiative in framing laws not only for the speedy disposal of suits through summary proceedings at nominal legal fees, but also for the speedy disposal of vessels and the payment of wages on a priority basis from sale proceeds; and to take such measures within their territories as are necessary to expedite legal procedures in cases of abandonment of seafarers, and particularly to expedite the sale of arrested vessels, and to distribute or make interim provision from the proceeds of such sales so as to enable the swift repatriation of stranded seafarers and to secure their claims for unpaid wages;

Requests the Director-General to communicate this resolution to the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects, so that the problem may be taken into account when drafting the relevant new international instruments.

II

Resolution concerning social and welfare services for seafarers' families ²

The General Conference of the International Labour Organisation,

Having adopted a Convention and a Recommendation concerning seafarers' welfare at sea and in port,

Noting that matters relating to social and welfare services for seafarers' families have not been reflected in those instruments,

Recognising the need to examine possible problems faced by families during the absence at sea of the seafarer;

Requests the Governing Body of the International Labour Office to place on the agenda of the next (26th) Session of the Joint Maritime Commission an item

¹ Adopted on 7 October 1987.

² Adopted on 8 October 1987.

relating to social and welfare services for seafarers' families and to undertake a study of this subject, sending appropriate questionnaires to member States with a view to considering the necessity of drafting an international instrument.

III

Resolution concerning the health of seafarers with particular reference to AIDS¹

The General Conference of the International Labour Organisation,

Considering the important role played by the World Health Organisation, within its own area of competence and within the context of the international co-operation between the specialised agencies of the United Nations, and particularly with the ILO, for the purposes of which the management of the resources of the respective agencies should be co-ordinated, and taking into account in this connection the effective work carried out by the Joint ILO/WHO Committee on the Health of Seafarers,

Recalling that the sixth session of the Joint Committee adopted recommendations concerning the identification of problem areas and trends in the health of seafarers,

Noting with concern reports of the increasing numbers of persons, including seafarers, infected with the human immuno-deficiency virus (HIV) and suffering from acquired immune deficiency syndrome (AIDS),

Recognising that information is an essential element in efforts to control the spread of AIDS, and congratulating those shipowners' associations, trade unions and administrations that have published guidance to seafarers on the avoidance and recognition of the syndrome,

Considering that the good health of seafarers is not only important to seafarers themselves and their families, but is also essential to the safe and efficient operation of ships,

Further noting that the programme of activities of the International Labour Office, for the biennium 1986-87, provided for a study on the health problems of seafarers to be carried out in collaboration with the World Health Organisation,

Recognising the essential global directing and co-ordinating role of the World Health Organisation in AIDS prevention, control, research, education and public information and the vital importance of the WHO Special Programme on AIDS as the focal point for these efforts;

1. In accordance with the ILO Recommendations on seafarers' welfare, calls upon the governments of maritime member States to make known to seafarers the danger to themselves and their families of infection from AIDS and its measures of prevention.

2. Also urges the governments of member States to include information on the dangers and prevention of AIDS in vocational training and information for seafarers concerning general health hazards.

3. Requests the Governing Body of the International Labour Office to consider, in close collaboration with the World Health Organisation:

(a) arranging for the study on the health problems of seafarers, undertaken within the framework of the programme of activities of the International Labour Office, for the biennium 1986-87, to provide information with a minimum of

¹ Adopted on 8 October 1987.

delay concerning the risks of infection from the HIV to which seafarers are exposed, with complete respect for medical confidentiality;

- (b) convening on an urgent basis a session of the Joint ILO/WHO Committee, including recognised experts for consultation, to deal with priority questions regarding seafarers' health—in particular with the AIDS problem and the necessary education of seafarers in this respect—drawn from the findings of this study.

IV

Resolution concerning the co-ordination of welfare activities for seafarers ¹

The General Conference of the International Labour Organisation,

Recalling the resolution concerning seafarers' welfare at sea and in port adopted by the 62nd (Maritime) Session of the International Labour Conference,

Noting that the International Labour Office has taken concrete action in pursuance of several of the requests contained in the above resolution, including measures designed to adopt a substantive Convention on seafarers' welfare, thereby contributing to an improvement in welfare services for seafarers at sea and in port, but that it has still not tackled adequately the issue of international co-operation and co-ordination in seafarers' welfare services,

Noting the additional effect given to the resolution by all sectors of the shipping industry through the formation of the International Committee on Seafarers' Welfare (ICSW) and through the continuing programme of the International Sports Committee for Seafarers (ISS), both of which have promoted international co-operation and co-ordination in seafarers' welfare services,

Noting that the Fourth Session of the Tripartite Subcommittee on Seafarers' Welfare of the ILO Joint Maritime Commission, held in October 1980, was of the opinion that it was vitally important to maintain the progress towards the ultimate full co-ordination of international welfare activities on behalf of seafarers which had been achieved through agreements to this effect reached between some governments, shipowners, voluntary organisations and seafarers as well as by the creation of the International Committee on Seafarers' Welfare under the aegis of the ILO,

Noting with satisfaction that the International Labour Office has given valuable support to the activities of the ICSW in the form of secretarial services and that the ISS is now a member of the ICSW,

Noting that the main objective of the ICSW is to promote and foster on an international basis the provision of welfare services for seafarers of all nationalities, races, colours and creeds and that in particular the Committee is to:

- “– identify the nationalities of ships and seafarers visiting ports world-wide and any need for welfare services and facilities such as clubs, advisory centres, welfare officers, sporting events and sports facilities, entertainment and cultural provisions for seafarers visiting ports other than those in their own countries to be provided in accordance with ILO instruments and with particular reference to countries where welfare facilities do not presently exist;
- make recommendations concerning the welfare needs identified, including advice as to the best use of available resources;
- provide advice and assistance to international, national, municipal and port authorities and agencies, shipowners, seafarers, welfare organisations and

¹ Adopted on 8 October 1987.

other interested bodies, including advice on the practical implementation of the ILO instruments concerning seafarers' welfare;

- encourage and promote enhanced awareness, especially among port state governments, of the welfare needs of seafarers when away from home;
- establish and maintain close working relationships with the ILO and, in particular, play an advisory role regarding the world-wide realisation of the objectives of the relevant ILO instruments concerning seafarers' welfare",

Considering that now that the ICSW has agreed to expand its membership to achieve an even broader representation of all interested bodies which currently provide welfare services to seafarers, the time is ripe for the establishment of closer co-operation between the ICSW and the ILO;

1. Requests the Governing Body of the ILO:

- (a) to give high priority to the activities of the ILO Tripartite Subcommittee on Seafarers' Welfare;
- (b) to call on the Director-General to ensure that the Office continues to act as focal point for the work of the ICSW on the understanding that this Committee (ICSW) will be open for membership of all parties concerned;
- (c) to examine ways and means of associating the ICSW more closely in the work of the ILO in the field of seafarers' welfare and in particular of adopting arrangements under which the ICSW can be consulted and invited to provide advice, as appropriate, by the ILO Tripartite Subcommittee on Seafarers' Welfare or such other ILO body as the Governing Body may decide.

V

Resolution concerning the recruitment of seafarers and the regulation of fee-charging employment agencies¹

The General Conference of the International Labour Organisation,

Recalling the discussion on the revision of the Placing of Seamen Convention, 1920 (No. 9), at the 24th Session of the Joint Maritime Commission in 1984,

Noting that the countries which have ratified this Convention do not include the most important countries which provide seafarers for employment in ships flying the flags of other countries,

Noting that, 67 years after the adoption of Convention No. 9, fee-charging agencies for the recruitment or recruitment and placing of seafarers continue to exist and, in certain parts of the world, to increase in numbers,

Recognising that, at least in some countries, such agencies, if properly supervised and regulated, may fulfil a practical and useful purpose for both the seafarer and the shipowner,

Considering that in certain parts of the world practices are in operation for the recruitment of seafarers which do not conform to the provisions of Convention No. 9 and which are unfavourable to seafarers and responsible shipowners alike,

Considering also that member States within whose territories such agencies operate have a responsibility to regulate their activities so as to ensure that abuses do not occur and that the regulation of such agencies should be undertaken as a matter of urgency;

¹ Adopted on 8 October 1987.

Requests the Governing Body of the International Labour Office :

- (a) to call upon the Director-General to collect and publish up-to-date information on the arrangements in force in various countries, particularly in labour-supplying countries, for recruiting both officers and ratings for employment on board ship, and to submit this information initially to such regional seminars as may be considered necessary, and to notify the results of such seminars to the next session of the Joint Maritime Commission for its consideration ;
- (b) to include on the agenda of that session of the Joint Maritime Commission the question of the desirability of the revision of the Placing of Seamen Convention, 1920 (No. 9), including the application to fee-charging recruitment agencies for seafarers, of the principles of governmental supervision and control laid down in the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), for shore-based industries ;
- (c) to recommend to member States meanwhile to take measures to ensure the regulation and, in particular, the proper licensing of fee-charging employment agencies operating in their territory.

VI

Resolution concerning conditions of employment for seafarers ¹

The General Conference of the International Labour Organisation,

Recalling the resolution concerning the environment on board ships, adopted by the 62nd (Maritime) Session of the International Labour Conference,

Recalling the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134),

Recalling further the provisions of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109) and the Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109),

Bearing in mind that Convention No. 109 has not received the required number of ratifications for entry into force,

Considering that during the past decade a rapid evolution has taken place in the shipping industry which is continuing unabatedly and has given rise to technological, economic, structural and geographical changes in ships' operation,

Considering that the aforementioned evolution has had and continues to have consequences in respect of industrial relations, seafarers' employment conditions, manning scales, the organisation of the shipboard workload, has effected considerable reductions in manning scales in many maritime countries, and affects profoundly the shipboard environment,

Considering that the IMO has presently under discussion the question of fatigue of watchkeeping personnel,

Considering further that working conditions and prevention of shipboard accidents come under the scope of the ILO ;

Requests the Governing Body of the International Labour Office :

- (a) to arrange for a comprehensive study to be undertaken of the changes in the shipboard environment and in the characteristics of seafarers' employment with a view to identifying areas for possible ILO activities including any possible measures which may need to be taken to improve minimum standards

¹ Adopted on 8 October 1987.

in regard to the living and working conditions of seafarers on board ship and to submit the results of this study to the first meeting of the Joint Maritime Commission after the present General Conference;

- (b) to instruct the Director-General in co-operation with the Secretary-General of the IMO to arrange for an early session of the Joint IMO/ILO Committee on Training to consider the question of fatigue in the manning and safety of ships.

VII

Resolution concerning attacks on merchant shipping ¹

The General Conference of the International Labour Organisation,

Recalling that the 24th Session of the Joint Maritime Commission (Geneva, 1984) called on all governments to make every effort to find peaceful solutions to conflicts that are threatening the lives of seafarers,

Believing that the right to safe navigation by merchant shipping in international waters, free from the risks of armed attacks by States, constitutes a seafarers' inalienable right,

Expressing its serious concern that armed conflict endangers merchant shipping and has already led to the death and injury of seafarers in some regions;

Appeals to all member States of the International Labour Organisation to use their influence in their diplomatic and commercial dealings with warring States to persuade the latter to refrain from attacking merchant shipping in international waters and put an end to armed conflicts.

VIII

Resolution concerning the application of international Conventions and Recommendations and the more widespread ratification of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) ¹

The General Conference of the International Labour Organisation,

Recalling the resolution adopted at the 24th Session of the Joint Maritime Commission concerning the need for more widespread ratification of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147),

Considering that the adoption of this Convention, and the supplementary Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155), resulted from the international resolve to eliminate substandard merchant ships,

Considering that the number and tonnage of vessels registered in countries which have not ratified Convention No. 147 and the number of seafarers from such countries have continued to increase,

Considering that the International Labour Organisation has a responsibility to encourage the acceptance and practical application of the international labour standards which it adopts,

Informed that a great many ILO Conventions and Recommendations, particularly Convention No. 147, as well as the fundamental principles of the United Nations, are not applied under a great many flags;

¹ Adopted on 8 October 1987.

Requests the Governing Body of the International Labour Office :

- (a) to remind each member State of the ILO that Conventions create an imperative obligation for member States which have ratified them to give effect to their provisions, and that Recommendations provide guidance on matters of general policy, legislation and practice ;
- (b) to ask the governments of member States, within the provisions of article 19 of the Constitution of the International Labour Organisation, to report on the measures that have been taken in their respective countries to implement the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155), and to arrange for an analysis of the governments' replies to be submitted by the International Labour Office to the next session of the Joint Maritime Commission, which should consider what further action, including measures designed to implement the social standards, might be necessary in light of this information ;
- (c) to urge member States which have not done so to take expeditious and effective action to implement the provisions of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and to give effect to the provisions of the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155) ;
- (d) to request the Director-General to continue and intensify the efforts of the Office to promote more widespread ratification of Convention No. 147.

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Vol. LXX

1987

Series A, No. 4

INFORMATION

235th Session of the Governing Body of the International Labour Office

(Geneva, 2–6 March 1987)

The 235th Session of the Governing Body of the International Labour Office was held from Monday 2 to Friday 6 March 1987, under the chairmanship of Mr. W. R. B. Robinson (Government representative, United Kingdom).

The agenda was as follows:

1. Approval of the Minutes of the 234th Session.¹
2. Report of the Meeting of Experts on Occupational Safety and Health and Working Conditions Specifications in the Transfer of Technology to Developing Countries (Geneva, 30 September–7 October 1986).²
3. Report of the Eighth Session of the African Advisory Committee (Yaoundé, 28 January–3 February 1987).
4. Report of the Commission of Inquiry appointed under article 26 of the Constitution to examine the observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by the Federal Republic of Germany.³
5. Reports of the Committee on Freedom of Association.
6. Reports of the Programme, Financial and Administrative Committee.
7. Report of the Allocations Committee.
8. Report of the Committee on Standing Orders and the Application of Conventions and Recommendations.
9. Report of the International Organisations Committee.
10. Report of the Committee on Operational Programmes.⁴

¹ The Governing Body approved the minutes.

² Brought forward from the 234th Session.

³ The Governing Body deferred consideration of the report until its 236th Session.

⁴ The Governing Body took note of the report.

11. Report of the Committee on Discrimination.
12. Report of the Working Party on International Labour Standards.
13. Report of the Working Party on Constitutional Amendments concerning Conference Delegations.
14. Amendments to the Regulations of the International Institute for Labour Studies.¹
15. Composition and agenda of standing bodies and meetings.
16. Symposia, seminars and similar meetings.²
17. Report of the Director-General.

Supplementary reports:

- Procedure for the appointment of Conference committees.
 - Representation at the 73rd Session (1987) of the International Labour Conference: non-metropolitan territory; non-member States; non-governmental international organisations.
 - Representation made by the Hellenic Airline Pilots' Association under article 24 of the ILO Constitution alleging non-observance by Greece of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).
 - Representation submitted by the Oil, Chemical and Atomic Workers' International Union, AFL-CIO, under article 24 of the Constitution alleging non-observance by the Federal Republic of Germany of Conventions Nos. 29, 62, 81, 87, 98, 99, 100, 102, 111, 132, 135, 138, 139, 144, 148, 154, 155 and 156.
 - Closing date for applications from non-governmental international organisations for representation at ILO meetings.
 - Request for consultative status by the Pan-African Employers' Confederation.
18. Programme of meetings.
 19. Appointment of Governing Body representatives on various bodies.

*
* * *

The following is an account of the action taken by the Governing Body on its agenda.³

REPORT OF THE MEETING OF EXPERTS ON OCCUPATIONAL SAFETY AND HEALTH AND WORKING CONDITIONS SPECIFICATIONS IN THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES

(Geneva, 30 September–7 October 1986)

The Governing Body took note of the report of the Meeting of Experts, approved the following title for the Code drawn up by the Meeting: "Code of practice on safety, health and working conditions in the transfer of technology to developing countries", and authorised the Director-General to publish the Code of practice. It noted that the document itself or the letter of transmittal would include a passage

¹ No paper was before the Governing Body on this item of its agenda.

² The Governing Body took note of the Office paper.

³ For a more detailed account see the set of papers and reports examined by the Governing Body, together with the approved minutes of the sittings, which contain a record of how decisions were taken.

making it clear that the Code was intended not to replace national laws or regulations but rather to provide guidance.

REPORT OF THE EIGHTH SESSION OF THE AFRICAN ADVISORY COMMITTEE

(Yaoundé, 28 January–3 February 1987)

The Governing Body expressed its warm gratitude to the Government of Cameroon for the facilities placed at the Committee's disposal and to the Government, as well as to the employers' and workers' organisations of Cameroon, for the cordial welcome extended to it.

The Director-General was authorised to transmit the Committee's report and conclusions to the governments of the member States of the region and through them to the employers' and workers' organisations, as well as to the international organisations concerned.

*Review and evaluation of ILO activities in Africa,
including the economic crisis in Africa and the
implementation of international labour standards*

The Director-General was invited to take special account of the Committee's conclusions and recommendations concerning technical co-operation, of its various wishes and suggestions concerning the implementation of international labour standards, and of its conclusions concerning apartheid when submitting proposals for the Organisation's future programme in Africa in those fields.

Agenda of the Seventh African Regional Conference

The Governing Body endorsed the recommendations of the Eighth Session of the African Advisory Committee and fixed as follows the agenda of the Seventh African Regional Conference:

- I. Report of the Director-General
- II. Rural and urban training
- III. Co-operatives,

it being understood that the Report of the Director-General would cover the problem of apartheid, so as to enable the Conference to monitor developments in the situation and to inform it of the action taken by the ILO with a view to participating actively in efforts to resolve the problem, and that it would also cover the situation of women in Africa.

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

(248th, 249th and 250th Reports)

The Governing Body examined and adopted the 248th, 249th and 250th Reports of its Committee on Freedom of Association.¹

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

On the basis of the reports of the Committee, the Governing Body took note of the information submitted to it concerning financial and administrative questions,

¹ The texts of the Reports are published in Series B of the *Official Bulletin*.

including in particular the position of the accounts as at 31 December 1986 and the collection of contributions in 1987 (up till that time), both in relation to the Programme and Budget for 1986–87. It also considered a proposal for a long-term strategy on budget exchange rates, based on the forward purchasing of Swiss franc requirements.

Other financial and general questions

Increase in the number of participants in the Meeting of Experts on Harmful Substances in Work Establishments

The Governing Body decided that, should it decide to increase by six the number of participants in the Meeting of Experts on Harmful Substances in Work Establishments, the estimated cost of US\$23,000 should be financed from savings in Part I of the budget.¹

Personnel questions

Salaries and allowances of General Service category staff in Geneva

The Director-General was authorised to implement with effect from 1 April 1987 the revised salary scale and any revised rates of allowances to be established according to the methodology of the International Civil Service Commission (ICSC).

Pensions questions

Decisions of the United Nations General Assembly

Subject to the reservations expressed, in particular as regards subparagraphs (b) and (d), the Governing Body—

- (a) recalled that it had expressed, at its 234th Session, the hope that more time would be allowed by the General Assembly “for reviewing this issue and achieving a reconciliation between these views [of the ICSC and the United Nations Joint Staff Pension Board (UNJSPB)] that would result in a joint recommendation”;
- (b) took note with concern that the General Assembly had decided to adopt a new scale of pensionable remuneration without obtaining a joint recommendation from the ICSC and the UNJSPB, and that this decision was taken during a period of monetary instability which adversely affected the level of pensions;
- (c) authorised the Director-General to give effect in the ILO, as from 1 April 1987, through appropriate amendments to the Staff Regulations, to the measures decided by the United Nations General Assembly in respect of pension questions as adopted by the General Assembly at its 41st Session; and
- (d) supported the Director-General’s intention to continue promoting studies aimed at stabilising and rationalising the pension system, in order to guarantee adequate old-age protection for ILO officials, and to keep the Governing Body informed and make any further suggestions required.

In addition, and subject to the reservations expressed, the Director-General was requested to communicate the following decision to the United Nations:

¹ See below, page 149.

The Governing Body of the International Labour Office,

- concerned at the situation that has developed regarding the pension systems of ILO staff;
- draws the attention of the United Nations General Assembly, the International Civil Service Commission and other competent bodies to the constitutional responsibility of the ILO regarding social questions in general, and social security in particular, with respect to all workers throughout the world, not excluding international civil servants;
- requests that the technical competence of the International Labour Office and of the constituents of the International Labour Organisation, including employers' and workers' organisations, be taken into account and utilised.

*Report of the Administrative Board
of the ILO Staff Pensions Fund*

The Governing Body decided to recommend that the Conference at its forthcoming 73rd Session adopt a resolution concerning the amortisation of the actuarial deficit of the ILO Staff Pensions Fund.¹

Programme and Budget proposals for 1988–89

Subject to the positions taken and the reservations, dissociation and opposition expressed during the discussion, the Governing Body decided to submit to the Conference a resolution for the adoption of the programme and budget for the 61st financial period (1988–89) and for the allocation of expenses among member States in that period.

It also decided to recommend to the Conference that the final US dollar amount of the budget be based on the endorsed provisional programme level of US\$284,896,426 estimated at an exchange rate of 2.05 Swiss francs to the US dollar, as revalued at the rate of exchange set by the Governing Body at its 236th Session (May 1987) and including such costs of any forward purchasing of Swiss franc requirements as might be decided by the Governing Body at the same session.²

REPORT OF THE ALLOCATIONS COMMITTEE

Assessment of the contribution of Poland for 1987

The Governing Body decided to propose that the Conference assess Poland's contribution to the budget of the ILO for 1987 at a rate of 0.64 per cent.

Scale of contributions to the budget for 1988–89

Subject to the reservations expressed, the Governing Body decided to propose to the Conference the adoption of the draft scale of assessments for 1988–89 subject to such adjustments as might be necessary following any further change in the membership of the Organisation before the Conference was called upon to adopt the recommended scale.³

¹ The text of this resolution, as adopted by the Conference at its 73rd Session (June 1987), is reproduced in the *Official Bulletin*, 1987, Series A, No. 2.

² See also pp. 155–156 below.

³ The Conference adopted the scale of contributions at its 73rd Session (June 1987).

*Procedure for the possible continuation of the work of the
Allocations Committee during the Conference*

The Committee was authorised to continue its work, if necessary, after the Governing Body had finished its business on 30 May 1987 and to submit its report direct to the Finance Committee of Government Representatives of the Conference.

REPORT OF THE COMMITTEE ON STANDING ORDERS AND THE APPLICATION OF
CONVENTIONS AND RECOMMENDATIONS

Application of Conventions and Recommendations

*Forms for reports on unratified Conventions and on
Recommendations (article 19 of the Constitution)*

The Governing Body approved a modified report form for the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), and Recommendation, 1967 (No. 131) (in so far as they apply to old-age benefits).

*Forms for reports on the application of ratified
Conventions (article 22 of the Constitution)*

The Governing Body approved a report form for the Asbestos Convention, 1986 (No. 162).

Standing Orders

*Draft Standing Orders for joint committees and
document on their purposes and functions*

The Governing Body adopted Standing Orders for joint committees and a document on the purposes and functions of joint committees.¹

*Amendment to the Standing Orders of the
International Labour Conference*

*Procedure for the consideration of items
placed on the agenda for general discussion*

The Governing Body decided to propose to the Conference that it amend its Standing Orders by adding a new article 11 *ter* concerning the communication to governments of reports on items placed on the agenda for general discussion.²

*Operation of the quorum rule at the International Labour Conference
and regional conferences*

The Governing Body decided to make a proposal to the Conference along the following lines:

- (a) the quorum would be fixed provisionally, on the basis of accreditations received, in the brief report of the Chairman of the Governing Body on the day before the opening of the session;

¹ For these texts, see ILO: *Joint Committees* (Geneva, 1987).

² The text of the amendment, as adopted by the Conference at its 73rd Session (1987), is reproduced in the *Official Bulletin*, 1987, Series A, No. 2.

- (b) this provisional quorum would remain unchanged until the Credentials Committee, in the exercise of its functions under article 20, paragraph 1(2), of the Standing Orders, determined the quorum on the basis of registrations in accordance with present practice, it being understood that if an important vote took place in the initial stages of the Conference (once the Credentials Committee had been appointed), the Conference might request the Credentials Committee to determine the quorum in an urgent report;
- (c) once the quorum had been determined on the basis of registrations, the current practice of adjusting it, under the authority of the Credentials Committee, so as to take into account, on the one hand, new registrations and, on the other, notices of departure from delegates leaving the Conference, would continue as at present.

REPORT OF THE INTERNATIONAL ORGANISATIONS COMMITTEE

Recent events in the United Nations system

Draft International Convention on the Protection of the Rights of all Migrant Workers and their Families

The Governing Body noted that the record of the discussion in the Committee and the Governing Body would be transmitted to the Chairman of the United Nations working group, again drawing his attention to the Governing Body's concern regarding the supervisory machinery for the United Nations Convention.

Forthcoming issues of concern to the ILO and its constituents within the United Nations system

United Nations Conference on the Law of Treaties between States and International Organisations or between International Organisations

The Director-General was authorised to sign the Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations on behalf of the International Labour Organisation.

REPORT OF THE COMMITTEE ON DISCRIMINATION

In taking note of the report, the Governing Body noted that the Office would examine the possibility of simplifying the annual questionnaire on action against apartheid.

REPORT OF THE WORKING PARTY ON INTERNATIONAL LABOUR STANDARDS¹

The Governing Body decided to take into account the various points of view expressed, as reflected in Appendix I to the Working Party's report, in future discussions and decisions concerning the preparation of ILO standards. It approved

¹ The report is reproduced in a special issue of the *Official Bulletin*, 1987, Series A.

the revised classification of existing instruments and noted possible subjects for new standards, as set out in Appendix II to the Working Party's report. It also noted the suggestions included in Appendices I and IV of the Working Party's report concerning a range of practical measures aimed at promoting a better understanding of ILO standards and at facilitating their use, and invited the Director-General to take all appropriate measures to that end, within available resources.

The Governing Body expressed its warm appreciation to Mr. G. Ventejol (Government representative, France), Chairman of the Working Party, for his outstanding contribution to its work.

REPORT OF THE WORKING PARTY ON CONSTITUTIONAL AMENDMENTS CONCERNING CONFERENCE DELEGATIONS

Subject to the major reservations expressed by several Government members, the Governing Body—

- (a) took a decision of principle that it would propose to the Conference an amendment to article 13, paragraph 2(a), of the Constitution on the basis of the text set out below, if and when agreement had been reached on the detailed arrangements to be included in the Financial Regulations:

provided that, in circumstances and under conditions to be determined by the Conference within the framework of the arrangements for the approval, allocation and collection of the budget referred to in subparagraph (c) of this paragraph, provision may be made in the budget of the International Labour Organisation for the Director-General of the International Labour Office to contribute, out of the general funds of the Organisation, to the expenses of the tripartite delegation to the Conference of a Member in need of such contribution;

- (b) took note of the draft amendment to article 4, paragraph 2, of the Constitution set out below (omitting the words in brackets), as constituting an appropriate basis for defining the question to be placed on the agenda if and when it decided to propose such an amendment to the Conference:

If one of the Members fails to nominate one *or both* of the non-Government delegates whom it is entitled to nominate, the [other non-Government delegate] *delegates of that Member* shall be allowed to sit and speak at the Conference, but not to vote.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS¹

Standing Bodies

Committee of Experts on the Application of Conventions and Recommendations

The Governing Body appointed Mr. B. O. Nwabueze (*Nigeria*) as a member of the Committee for a period of three years.

¹ The names, titles and functions of the persons appointed by the Governing Body, as well as an indication of the organisations and bodies invited to be represented at these meetings, can be found in the papers submitted to the Governing Body under item 15 on its agenda.

Meetings

Tripartite Preparatory Meeting on Employment and Structural Adjustment (Geneva, 27–29 April 1987)

The Governing Body appointed the members of the preparatory meeting as follows:

Government members (10)

Algeria	Norway
Brazil	Philippines
Hungary	Venezuela
India	Yugoslavia
Italy	Zimbabwe

Employer members (5):

Mr. Eurnekian	Mr. Georget
Mr. Katz	Mr. Tata
Mr. Oechslein	

Worker members (5):

Mr. Blondel	Mr. Briki
Mr. Crean	Mr. Delpino
Mr. Timmer	

Substitutes (3):

Mr. Morton	Mr. Mehta
Mr. Moutari	

It noted that the Director-General intended to invite the following *intergovernmental organisations* to be represented at the meeting: International Monetary Fund, World Bank, United Nations, UNCTAD, UNDP, UNICEF, FAO, UNIDO, GATT, OECD.

Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services (Geneva, 5–13 May 1987)

The Governing Body approved the nomination of four members and four substitutes made after consulting the *Employers' group*.

Meeting of Experts on Harmful Substances in Work Establishments (Geneva, 5–13 May 1987)

The Governing Body approved the increase in membership of this meeting from 15 to 21 experts. It also approved the following nominations: six experts and one substitute nominated after consultations with *governments*; two experts nominated after consulting the *Employers' group*; and two experts and two substitutes nominated after consulting the *Workers' group*.

Tenth Session of the Joint ILO/WHO Committee on Occupational Health (Geneva, 1–7 September 1987)

The Governing Body approved the nomination of two members and two substitutes made after consultations with *governments* and of two members made after consulting the *Workers' group*.

Fourth European Regional Conference (Geneva, 15–22 September 1987)

The Governing Body noted that the Director-General intended to invite the *United Nations* and 11 organisations belonging to the United Nations system to be represented at the Conference.

REPORT OF THE DIRECTOR-GENERAL

Obituary

The Governing Body was informed of the deaths of two personalities who had been closely associated with the work of the ILO: Mr. Paul M. Herzog (*United States*), a member of the Committee of Experts on the Application of Conventions and Recommendations from 1956 to 1967, and Mr. A. Gharbaoui (*Morocco*), an Employer deputy member of the Governing Body. It asked the Director-General to convey its sympathy to their families.

Composition of the Governing Body

The Governing Body noted that, following the resignation of Mr. Soubbotine (Worker member, USSR), the Workers' group, in accordance with article 5, paragraph 5, of the Standing Orders, had appointed Mr. G. Yanaev to replace him until the next Governing Body elections.

Procedure for the appointment of Conference committees

The Governing Body decided to recommend the Conference to reappoint to the panel from which the members of the Conference Appeals Board are selected, for a period of three years, expiring on 30 June 1989: Mr. J. A. Barboza-Carneiro (*Brazil*) and Mr. Luigi Cottafavi (*Italy*); and for a period of three years, expiring on 30 June 1990: Mr. Pierre Laroque (*France*). It appointed the following three persons to serve on the Appeals Board, should it be required to meet in 1987: Mr. Luigi Cottafavi, Mr. Paul Gottret (*Switzerland*), Mr. Pierre Laroque; and authorised the Director-General, if the Board was required to meet and any of the above-mentioned persons was unable to serve, to convene Mr. Abi-Saab (*Egypt*) or Mr. Barboza-Carneiro so as to ensure that the Appeals Board was duly constituted.¹

Representation at the 73rd Session (1987) of the International Labour Conference

Non-metropolitan territory

The Director-General was authorised to invite Bermuda, through the Government of the United Kingdom, to send a tripartite observer delegation to the 73rd Session of the International Labour Conference.

Non-member States

The Governing Body authorised the Director-General to invite the Republic of Korea and the Democratic People's Republic of Korea to be represented at the 73rd Session of the Conference, in accordance with article 2, paragraph 3 (e), of the Conference Standing Orders.

¹ The Employers' group took no part in these decisions.

Non-governmental international organisations

Upon the recommendation of its Officers, the Governing Body authorised the Director-General—

- (a) to invite two employers' organisations, 15 workers' organisations and 28 other organisations to be represented at the 73rd Session of the Conference, it being understood that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they had stated a special interest;
- (b) to inform the 45 organisations concerned that they might nominate one person only for each of the agenda items in respect of which their interest had been recognised by the Selection Committee of the Conference.

Representation made by the Hellenic Airline Pilots' Association under article 24 of the ILO Constitution alleging non-observance by Greece of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)

The Governing Body decided that the representation was receivable, and set up a committee with the following composition to examine it:

<i>Government member:</i>	Mr. Falchi (<i>Italy</i>)
<i>Employer member:</i>	Mr. Saïd
<i>Worker member:</i>	Mr. Maier.

Representation submitted by the Oil, Chemical and Atomic Workers' International Union, AFL-CIO, under article 24 of the ILO Constitution alleging non-observance by the Federal Republic of Germany of Conventions Nos. 29, 62, 81, 87, 98, 99, 100, 102, 111, 132, 135, 138, 139, 144, 148, 154, 155 and 156

The Governing Body decided that the representation was not receivable.

Closing date for applications from non-governmental international organisations for representation at ILO meetings

The Governing Body reaffirmed the decision taken at its 148th Session (March 1961),¹ and requested the Director-General to bring it once again to the attention of all the non-governmental international organisations concerned.

Request for consultative status by the Pan-African Employers' Confederation

The Governing Body decided to grant full consultative status to the Pan-African Employers' Confederation.

PROGRAMME OF MEETINGS

74th (Maritime) Session of the International Labour Conference

The Governing Body noted that, in view of the scheduling of a major international fair in Geneva in October 1987 and the consequent lack of suitable hotel

¹ At its 148th Session, the Governing Body decided that non-governmental international organisations desiring to be represented by observers at the International Labour Conference or at other ILO meetings should submit their requests to the Director-General not later than one month before the session of the Governing Body preceding the meeting with respect to which the request was made.

accommodation in and around the city, the Officers of the Governing Body, having been consulted, had agreed that the dates of the 74th (Maritime) Session of the Conference should be changed from 30 September – 15 October to 24 September – 9 October 1987.

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Subject to a reservation with respect to the High-Level Meeting on Employment and Structural Adjustment, the Governing Body approved the following programme of meetings for the first half of 1987:¹

Date	Title of meeting	Place
1987		
12–25 March	Committee of Experts on the Application of Conventions and Recommendations	Geneva
1–9 April	Building, Civil Engineering and Public Works Committee (Eleventh Session)	„
27–29 April	Tripartite Preparatory Meeting on Employment and Structural Adjustment	„
5–13 May	Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services	„
5–13 May	Meeting of Experts on Harmful Substances in Work Establishments	„
21–30 May	236th Session of the Governing Body and its Committees	„
3–24 June	73rd Session of the International Labour Conference	„
Immediately after the Conference	237th Session of the Governing Body	„

APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services (Geneva, 5–13 May 1987)

The Governing Body appointed Mr. Joedonagoro (Government member of its delegation) as Chairman of the Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services.

¹ See below pp. 176–177 for the decisions taken by the Governing Body at its 237th Session concerning the second half of 1987 as well as 1988.

236th Session of the Governing Body of the International Labour Office (Geneva, 28–29 May 1987)

The 236th Session of the Governing Body of the International Labour Office was held on Thursday 28 and Friday 29 May 1987, under the chairmanship of Mr. W. R. B. Robinson (Government representative, United Kingdom).

The agenda was as follows:

1. Approval of the Minutes of the 235th Session.¹
2. Agenda of the 76th Session (1989) of the Conference.
3. Annual report of the Governing Body to the Conference.²
4. Report of the Commission of Inquiry appointed under article 26 of the Constitution to examine the observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by the Federal Republic of Germany.³
5. Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 12–25 March 1987).
6. Report of the Tripartite Preparatory Meeting on Employment and Structural Adjustment (Geneva, 27–29 April 1987).
7. Report of the Meeting of Experts on Harmful Substances in Work Establishments (Geneva, 5–13 May 1987).
8. Reports of the Committee on Freedom of Association.
9. Reports of the Programme, Financial and Administrative Committee.
10. Report of the Allocations Committee.⁴
11. Report of the International Organisations Committee.
12. Report of the Industrial Activities Committee.
13. Report of the Committee on Discrimination.
14. Report of the Committee on Multinational Enterprises.⁴
15. Amendments to the Regulations of the International Institute for Labour Studies.
16. Composition and agenda of standing bodies and meetings.
17. Symposia, seminars and similar meetings.⁵
18. Report of the Director-General.

Supplementary reports:

- Representation at the 73rd Session (1987) of the International Labour Conference: non-governmental international organisations;
- Representation at the 74th (Maritime) Session of the International Labour Organisation: non-member States; non-governmental international organisations;
- Replacement of the Government member of the Committee set up by the Governing Body to examine the representation made under article 24 of the Constitution against Spain.

¹ The Governing Body approved the minutes.

² The Governing Body approved the report.

³ The Governing Body took note of the report, which had been brought forward from the 235th Session.

⁴ No paper was before the Governing Body on this item of its agenda.

⁵ The Governing Body took note of the Office paper.

The following is an account of the action taken by the Governing Body on its agenda:¹

AGENDA OF THE 76TH SESSION (1989) OF THE CONFERENCE

The Governing Body decided that, with a view to determining the agenda of the 76th Session (1989) of the Conference, it should receive at its 238th Session (November 1987) law and practice reports or more detailed proposals on the following subjects:

- working conditions in hotels, restaurants and similar establishments;
- working and employment conditions of part-time workers;
- night work of women;
- protection of workers' claims in the event of the insolvency of their employer;
- safety in the use of chemicals at work; and
- promotion of self-employment.

REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

(Geneva, 12–25 March 1987)

The Governing Body, in taking note of the report, decided henceforth to entrust the Office with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights established by the Economic and Social Council, information on the results of the operation of the various ILO supervisory procedures, in so far as they bore on matters covered by the International Covenant on Economic, Social and Cultural Rights. However, it would remain open to the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it considered that to be desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

REPORT OF THE TRIPARTITE PREPARATORY MEETING ON EMPLOYMENT AND STRUCTURAL ADJUSTMENT

(Geneva, 27–29 April 1987)

Subject to the reservations expressed during the discussion, the Governing Body endorsed the conclusions adopted by the Tripartite Preparatory Meeting.²

¹ For a more detailed account see the set of papers and reports examined by the Governing Body, together with the approved minutes of the sittings, which contain a record of how decisions were taken.

² Those conclusions read as follows:

(1) The Meeting agreed that a good deal of preparatory work had been undertaken which should contribute to the success of the high-level meeting planned for November 1987.

(2) Noting that the agenda of the high-level meeting had already been decided, the Meeting recommended that the discussion should concentrate on the following topics:

(a) The impact on employment, incomes and poverty of the recent and future evolution of the world economy.
(b) Effects on employment, incomes and poverty of alternative policies and programmes for more dynamic adjustment and growth:
 (i) in industrialised countries;
 (ii) in developing countries;
 (iii) international aspects.
(c) The potential for joint action by the international organisations, and in particular the role of the ILO, in promoting socially oriented patterns of dynamic adjustment and growth.

REPORT OF THE MEETING OF EXPERTS ON HARMFUL SUBSTANCES IN
WORK ESTABLISHMENTS

(Geneva, 5–13 May 1987)

The Governing Body —

- (a) took note of the report;
- (b) agreed to take the report's findings into account when considering the proposed 1989 Conference agenda item on safety in the use of chemicals at work; and
- (c) authorised the Director-General to communicate the report to the governments of member States and, through them, to the employers' and workers' organisations concerned, to the intergovernmental organisations concerned and to the non-governmental international organisations having full consultative status, as well as other bodies and organisations concerned, and to take the experts' recommendations into account in drawing up future programme proposals, including matters relating to technical co-operation.

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

(251st and 252nd Reports)

The Governing Body examined and adopted the 251st and 252nd Reports of its Committee on Freedom of Association.¹

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

Programme and Budget for 1986–87

Budget exchange rate

Subject to the reservations, dissociation and opposition expressed by a number of governments, the Governing Body authorised a supplementary credit for additional expenditure under Part IV of the budget, of not more than US\$36 million, to be financed by a withdrawal from the Working Capital Fund under article 19.1(b) of the Financial Regulations.

Programme and Budget proposals for 1988–89

Budget exchange rate and other adjustments

Subject to the different reservations expressed and positions taken, particularly in regard to subparagraphs (a), (c) and (d), the Governing Body took the following decisions on this question:

- (a) on a vote by show of hands, it decided, by 44 votes in favour and five against, with no abstentions, that the budget rate of exchange for 1988–89 should be set at 1.60 Swiss francs to the dollar subject to review and adjustment if necessary in May–June 1988;
- (b) it decided that the payment of the 1988 and 1989 building annuities should be deferred, reducing the Draft Programme and Budget for 1988–89 by

¹ The texts of these Reports are published in Series B of the *Official Bulletin*.

US\$6,998,809 at the proposed budget exchange rate of 1.60 Swiss francs to the dollar;

- (c) on a vote by show of hands, it decided, by 43 votes in favour and six against, with no abstentions, to consider at its May 1988 Session the forward purchasing of the Swiss franc requirements for the last 18 months of the 1988–89 biennium and, in the meantime, to include a provision of US\$4.5 million for this purpose under Part IV “Effects of exchange rate adjustments” of the Draft Programme and Budget for 1988–89;
- (d) on a vote by show of hands, it decided, by 42 votes in favour and nine against, with no abstentions, to recommend to the Conference the adoption of the Draft Programme and Budget for 1988–89 in the amount of US\$329,860,000 and to submit a draft resolution to the Conference for the adoption of the programme and budget for the 61st financial period (1988–89) and for the allocation of expenses among Members for 1988–89.¹

Delegation of authority under article 18 of the Standing Orders of the Conference

The Governing Body delegated to its Officers for the period of the 73rd Session (June 1987) of the Conference the authority to carry out its responsibilities under article 18 of the Standing Orders of the Conference in relation to proposals involving expenditure in the 60th financial period ending 31 December 1987.

Other financial and general questions

Appointment of External Auditor and Deputy External Auditor

The Governing Body decided that Sir Gordon Downey should be reappointed as External Auditor for a further period of four years from 1 April 1988, and Mr. David Myland as Deputy External Auditor for a further period of four years from 1 April 1988.

Improving the programme budgeting process

The Governing Body endorsed an additional step of early consultation of the Programme, Financial and Administrative Committee and the Governing Body in the preparation of the Programme and Budget proposals, through the Medium-Term Plan and its revisions.

Alterations to the ILO headquarters building

The Governing Body authorised a series of alterations the cost of which, estimated at 259,000 Swiss francs, would be defrayed out of the Building and Accommodation Fund in accordance with article 11.3 of the Financial Regulations.

High-Level Meeting on Employment and Structural Adjustment

Subject to the views and reservations expressed during the discussion, the Governing Body decided that the additional cost of holding the High-Level Meeting on Employment and Structural Adjustment, estimated at US\$160,000 at the revised

¹ For the text of that resolution, as amended by the Conference Finance Committee of Government Representatives and adopted by the Conference at its 73rd Session (June 1987), see *Official Bulletin*, 1987, Series A, No. 2.

budget rate of exchange, should be financed in the first instance by savings in Part I of the 1986–87 budget or, failing that, charged to Part II (Unforeseen Expenditure) of the 1986–87 budget.

Personnel questions

Decisions of the United Nations General Assembly concerning scales of staff assessment, gross and net salaries and separation payments for the Professional and higher categories

The Director-General was authorised to apply in the ILO, with effect from 1 June 1987, the decisions of the United Nations General Assembly concerning staff assessment rates, gross and net salary scales and separation payments for the Professional and higher categories, and to amend the Staff Regulations accordingly.

Matters relating to the Administrative Tribunal of the ILO

The Governing Body decided to submit to the International Labour Conference at its June 1987 Session a draft resolution concerning the appointment of a judge and the extension of the terms of office of a judge and a deputy judge.¹

The Governing Body expressed its deep appreciation to Mr. André Grisel (*Switzerland*) for his many years of devoted service and for the invaluable contribution he had made to international administrative law during his 27 years of service as a member, and since 1981 as President, of the Tribunal.

REPORT OF THE ALLOCATIONS COMMITTEE

The Governing Body, while noting that there was no paper before it under this item, paid tribute to the work of the outgoing Chairman of the Allocations Committee, Mr. Winfrid Haase (Government representative, Federal Republic of Germany).

REPORT OF THE INTERNATIONAL ORGANISATIONS COMMITTEE

Matters relating to UNIDO

Representation of the ILO at the Second UNIDO Consultation on the Training of Industrial Manpower

The Governing Body deferred consideration of this question until its 237th Session, at which the Programme, Financial and Administrative Committee would reconsider the question of the financing of a tripartite Governing Body delegation to the UNIDO Consultation.²

Relationship Agreement with UNIDO

The Director-General was authorised to sign the Relationship Agreement with UNIDO subject to it being likewise approved by the Industrial Development Board

¹ This resolution was adopted by the Conference at its 73rd Session (1987). See *Official Bulletin*, 1987, Series A, No. 2.

² See p. 176 below.

of the United Nations Industrial Development Organisation and on the understanding that the Relationship Agreement would be signed by the Director-General of UNIDO after the meeting of the Industrial Development Board in June 1987.¹

Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations

The Governing Body decided to consider this question further at a later session before June 1988.

REPORT OF THE INDUSTRIAL ACTIVITIES COMMITTEE

Composition of the Committee on Conditions of Work in the Fishing Industry

The Governing Body—

- (a) decided that the Committee on Conditions of Work in the Fishing Industry should consist of 21 representatives drawn in equal numbers from government, employer and worker circles; and
- (b) authorised the Director-General to invite the Governments of Brazil, India, Japan, Nigeria, Norway, the USSR and the United States to send representatives to the meeting; and
- (c) authorised the Director-General, in the event that any of these governments declined the invitation, to invite a government from the following reserve list, belonging to the same region as the declining government, to send a representative to the meeting: *Africa*: Morocco and the United Republic of Tanzania; *Americas*: Mexico and Peru; *Asia*: China and Indonesia; *Europe*: Iceland and Spain.

Eleventh Session of the Iron and Steel Committee

Effect to be given to the conclusions and resolutions of the Committee²

The Governing Body authorised the Director-General—

- (a) to communicate the texts adopted by the Iron and Steel Committee at its Eleventh Session to governments, informing them that the Governing Body had taken note of the texts and requesting them to communicate these to the employers' and workers' organisations concerned, and to the international organisations of employers and workers concerned;
- (b) to draw the special attention of governments and, through them, that of the employers' and workers' organisations concerned, as well as that of the international employers' and workers' organisations concerned, to the report and Conclusions (No. 88), concerning policies for maintaining social development through collective bargaining, legislation and adequate social security protection to cope with structural change in the iron and steel industry, and to the report and Conclusions (No. 89), concerning productivity improvement and its effects on the level of employment and working conditions in the iron and steel industry.

¹ For the text of that Agreement, see pp. 195–197 below.

² For the texts of the conclusions and resolutions adopted by the Committee, see below, pp. 182–193.

Effect given to the conclusions and resolutions adopted at the previous sessions of the Iron and Steel Committee

The Director-General was requested to draw the attention of governments and, through them, that of the employers' and workers' organisations concerned, as well as that of the international employers' and workers' organisations concerned, to the conclusions and resolutions mentioned in section I, group C, of the Classification; and, when planning the future programme of work of the Office, to continue to bear in mind the wishes expressed by the Committee in the conclusions and resolutions listed in section II, group B, of the Classification, with a view to giving effect to the requests contained therein and addressed to the Office.

Policies for maintaining social development through collective bargaining, legislation and adequate social security protection to cope with structural change in the iron and steel industry

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraphs 24 to 26 of Conclusions No. 88.

Productivity improvement and its effects on the level of employment and working conditions in the iron and steel industry

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraphs 18 and 19 of Conclusions No. 89.

Health and safety and the work environment in the iron and steel industry

The Governing Body agreed to bear in mind the wishes expressed by the Committee in operative paragraphs 1 and 2 of resolution No. 90; and requested the Director-General, when planning the future programme of work of the Office, to bear in mind the wishes expressed in subparagraphs (a) to (h) of operative paragraph 3 of resolution No. 90.

Vocational training in the iron and steel industry

The Governing Body agreed to bear in mind the wishes expressed by the Committee in paragraph 1 of the operative part of resolution No. 91; and requested the Director-General, when drawing up the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in operative paragraphs 2 and 3 of resolution No. 91.

International co-operation in the iron and steel industry

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed in operative paragraphs 1 and 2 of resolution No. 92.

The creation of alternative employment in steel-producing regions

The Governing Body agreed to bear in mind the wishes expressed by the Committee in paragraphs 1 and 2 of the operative part of resolution No. 93.

*Freedom of association and trade union rights
in the iron and steel industry*

The Governing Body agreed to bear in mind the wishes expressed by the Committee in operative paragraph 1 of resolution No. 94; and requested the Director-General to bear in mind, when planning the future programme of work of the Office, the wishes expressed by the Committee in operative paragraph 2 of resolution No. 94.

*Agenda of the Twelfth Session of the
Iron and Steel Committee*

The Governing Body agreed to bear in mind the wishes expressed by the Committee in paragraphs 1 and 2 of the operative part of resolution No. 95.

The definition of the iron and steel industry

The Governing Body agreed to bear in mind the wish expressed by the Committee in resolution No. 96.

Tripartite Meeting on Salaried Authors and Inventors

Subject to the observations made by the Employers' and Workers' spokesmen about the number of non-governmental international organisations invited as observers to ILO meetings, the Director-General was authorised to invite 15 *non-governmental international organisations* to be represented by observers at the Meeting.

Third Tripartite Technical Meeting for the Clothing Industry

Subject to the observations made by the Employers' and Workers' spokesmen about the number of non-governmental international organisations invited as observers to the ILO meetings, the Director-General was authorised to invite six *non-governmental international organisations* to be represented by observers at the Meeting.

REPORT OF THE COMMITTEE ON DISCRIMINATION

*Report of the Working Group of the Committee on the Examination of Replies on
Action against Apartheid*

The Governing Body, in taking note of the report of the Working Group, agreed to transmit it to the Committee on Apartheid of the International Labour Conference at its 73rd Session (1987).

AMENDMENTS TO THE REGULATIONS OF THE INTERNATIONAL INSTITUTE
FOR LABOUR STUDIES

The Governing Body adopted amendments to article II of the Regulations of the International Institute for Labour Studies.¹

¹ For the texts of the amendments see p. 194 below.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS¹

Meetings

Tripartite Symposium on Working Time Issues in Industrialised Countries (in the course of 1988)

The Governing Body approved the following *agenda* for the Symposium: Examination of the major developments and trends relating to the length and arrangement of working time in industrialised countries and analysis of their implications, particularly as regards the quality of working life, the length of operation of productive equipment and the level of employment.

With regard to its *composition*, the Governing Body noted that its Officers had agreed that eight participants would be nominated after consultations with governments, eight after consulting the Employers' group of the Governing Body and eight after consulting the Workers' group, and that, to obtain the eight government nominations, the Governments of Australia, France, the Federal Republic of Germany, Hungary, Japan, Sweden, the USSR and the United States would be consulted. Should any of these countries be unable to participate, nominations would be sought from the following substitute countries: Belgium, Canada, Finland, the German Democratic Republic, Italy, Spain, the United Kingdom, Yugoslavia.

It also noted that the Director-General intended to invite five regional *inter-governmental organisations and bodies* to be represented at the Symposium.

Fourth European Regional Conference (Geneva, 15–22 September 1987)

The Director-General was authorised to invite a *non-member State*—the Holy See—to be represented by a delegation of observers at the Conference.

REPORT OF THE DIRECTOR-GENERAL

Obituary

The Governing Body, apprised of the death of *Mr. Leonardo Enrique Dimase*, representative of the Government of Argentina since 1984, paid tribute to his memory and asked the Director-General to convey its sympathy to the Government of Argentina and the family of the deceased.

Composition of the Governing Body

The Governing Body noted that the Government of China had appointed Mr. Li Boyong as its representative and that the Government of France had appointed Mr. Maurice Ramond as its substitute representative. It also noted that the Government of Japan had appointed Mr. Tadashi Nakamura, Assistant Minister for International Labour Affairs, Ministry of Labour, as its representative and Mr. Nobuko Matsubara, Director, International Labour Affairs Division, Ministry of Labour, as its substitute representative.

¹ The names, titles and functions of the persons appointed by the Governing Body, as well as an indication of the organisations and bodies invited to be represented at these meetings can be found in the papers submitted to the Governing Body under item 16 on its agenda.

Representation at the 73rd Session (1987) of the International Labour Conference

Non-governmental international organisations

Upon the recommendation of its Officers, the Governing Body authorised the Director-General—

- (a) to invite three employers' organisations, 27 workers' organisations and eight other organisations to be represented at the 73rd Session of the Conference, it being understood that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they had stated a special interest;
- (b) to inform the organisations concerned that they might nominate one person only for each of the agenda items in respect of which their interest had been recognised by the Selection Committee of the Conference.

*Representation at the 74th (Maritime) Session of the
International Labour Conference*

Non-member States

The Director-General was authorised to invite the Republic of Korea and the Democratic People's Republic of Korea to be represented at the Maritime Session of the Conference, in accordance with article 2, paragraph 3(e), of the Conference Standing Orders.

Non-governmental international organisations

Upon the recommendation of its Officers, the Governing Body authorised the Director-General:

- (a) to invite three non-governmental international organisations to be represented at the Maritime Session of the Conference, it being understood that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the Committees dealing with the agenda items in which they had stated a special interest; and
- (b) to inform the organisations concerned that they might nominate one person only for each of the agenda items in respect of which their interest had been recognised by the Selection Committee of the Conference.

*Replacement of the Government member of the committee set up by the
Governing Body to examine the representation made under article 24 of the
Constitution against Spain*

The Governing Body approved the nomination of Mr. Giovanni Falchi (*Italy*) to replace Mr. Gabriel Ducray (*France*) as Government member of the committee.

237th Session of the Governing Body of the International Labour Office

(Geneva, 25 June 1987)

The 237th Session of the Governing Body of the International Labour Office was held on Thursday 25 June 1987 under the chairmanship of Mr. M. V. Russomano (Government representative, Brazil).

The agenda was as follows:

1. Election of the Officers of the Governing Body for 1987–88.
2. Appointment of Governing Body committees and of various bodies.
3. Composition and agenda of standing bodies and meetings.
4. Report of the Programme, Financial and Administrative Committee.
5. Report of the Director-General:
Supplementary reports:
 - Renewal of appointment of Professor Roberto Ago as Chairman of the Committee on Freedom of Association;
 - Appointment of non-Governing Body members of the Board of the International Institute for Labour Studies.
6. Questions arising out of the 73rd Session of the Conference.¹
7. Programme of meetings.
8. Appointment of Governing Body representatives on various bodies.

*
* *
*

The following is an account of the action taken by the Governing Body on this agenda.²

ELECTION OF THE OFFICERS OF THE GOVERNING BODY FOR 1987–88

Election of the Chairman

The Governing Body elected Mr. M. V. Russomano, representative of the Government of Brazil on the Governing Body, as its Chairman for the year 1987–88.

Election of the Vice-Chairmen

The Governing Body re-elected Mr. Oechsli as Employer Vice-Chairman and Mr. Muhr as Worker Vice-Chairman for the year 1987–88

¹ There was no paper before the Governing Body on this item on its agenda.

² The texts of the papers and reports examined by the Governing Body and the approved minutes of the sittings, together with a detailed account of how decisions were taken, are to be found in the set of documents constituting the record of each session.

APPOINTMENT OF GOVERNING BODY COMMITTEES AND OF VARIOUS BODIES¹

Appointment of Governing Body committees

At the proposal of the groups, the Governing Body constituted its various committees as follows:

Programme, Financial and Administrative Committee

Chairman (ex officio): The Chairman of the Governing Body
(1987–88 Mr. M. V. Russomano (*Brazil*))

Government members:

Antigua and Barbuda	Italy
Argentina	Japan
Australia	Kuwait
Bangladesh	Lesotho
Benin	Liberia
Botswana	Libyan Arab Jamahiriya
Brazil	Malaysia
Burundi	Morocco
Byelorussian SSR	Nicaragua
Cameroon	Somalia
Canada	Sri Lanka
China	Sweden
Colombia	Switzerland
Cuba	Tanzania, United Republic of
Czechoslovakia	Thailand
France	Turkey
German Democratic Republic	USSR
Germany, Federal Republic of	United Kingdom
Greece	United States
Guinea	Venezuela
India	Yugoslavia
Iran, Islamic Republic of	

Substitutes:

Ecuador	Uruguay
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Employer members:

Mr. Arbesser-Rastburg	Mr. Moukoko Kingue
Mr. Brillinger	Mr. Nasr
Mr. Georget	Mr. Oechslin
Miss Hak	Mr. Okogwu
Mr. von Holten	Mr. Owuor
Mr. Katz	Mr. Pierides
Mr. Kouadio	Mr. Saïd
Mr. Lindner	Mr. Santos Neves
Mr. Lounis Khodja	Mr. Sumbwe
Miss Mackie	Mr. Tsujino

¹ The composition of the Governing Body for the period 1987-90 appears in *Official Bulletin*, 1987, Series A, No. 2.

Substitutes:

Mr. Dooge
Mr. Eurnekian
Mr. Lacasa Aso
Mr. Muyumbu

Mr. de Regil Gómez
Mrs. Sasso-Mazzufferi
Mr. Toure
Mr. Williams

Worker members:

Mr. Allini
Mr. Ali Ibrahim
Mr. Chiroma
Mr. Maier
Mr. Maruyama
Mr. Mercier
Mr. Morton

Mr. Muhr
Mr. Mukherjee
Mr. Sánchez Madariaga
Mr. Svenningsen
Mr. Walcott
Mr. Yanaev

Substitutes:

Mr. Adiko
Mr. Ahmed
Mr. Baker
Mr. Baldassini
Mr. Blondel
Mr. Crean
Mr. Delpino

Mr. Diop
Mr. Eid
Mr. Sudono
Mr. Timmer
Mr. Wang Jiachong
Mr. Zimba

Allocations Committee

Government members:

Byelorussian SSR
France
German Democratic Republic
Germany, Federal Republic of
India

Italy
Japan
USSR
United States
Venezuela

Substitutes:

Antigua and Barbuda
Australia
Brazil
China

Sweden
Switzerland
United Kingdom

*Committee on Standing Orders and the Application
of Conventions and Recommendations*

Government members:

Argentina
Botswana
Canada
China
Cuba
Czechoslovakia
Ecuador
France

German Democratic Republic
Greece
Guinea
India
Japan
Malaysia
Morocco
Nicaragua

Somalia
Switzerland
Turkey
USSR

United Kingdom
United States
Uruguay

Substitutes:

Antigua and Barbuda
Australia
Bangladesh
Brazil
Byelorussian SSR
Cameroon
Germany, Federal Republic of

Iran, Islamic Republic of
Italy
Sri Lanka
Sweden
Tanzania, United Republic of
Uganda

Employer members:

Mr. Díaz Garaycoa
Miss Hak

Mr. Katz
Mr. Rowe

Substitutes:

Mr. Georget
Mr. von Holten
Mr. Lacasa Aso

Miss Mackie
Mr. Oechslin
Mr. Saïd

Worker members:

Mr. Eid
Mr. Mercier

Mr. Svenningsen
Mr. Vanni

Substitutes:

Mr. Ali Ibrahim
Mr. Blondel

Mr. Maier
Mr. Muhr

Industrial Activities Committee

Government members:

Argentina
Australia
China
Colombia
German Democratic Republic
Germany, Federal Republic of
India
Iran, Islamic Republic of

Japan
Sweden
Switzerland
Turkey
USSR
United Kingdom
United States

Substitutes:

Brazil
Byelorussian SSR
Czechoslovakia
Italy

Morocco
Sri Lanka
Uganda
Venezuela

Employer members:

Mr. Arbesser-Rastburg
Mr. Brillinger
Mr. Eurnekian
Mr. Gazarin
Mr. Katz
Mr. Lindner
Mr. Lounis Khodja
Miss Mackie
Mr. Moukoko Kingue
Mr. Okogwu

Mr. Periquet
Mr. Pierides
Mr. Rowe
Mr. Santos Neves
Mrs. Sasso-Mazzufferi
Mr. Sumbwe
Mr. Tata
Mr. Tsujino
Mr. Williams

Substitutes:

Mr. Al-Jassem
Mr. Arets
Mr. Dooge
Mr. Georget
Miss Hak
Mr. von Holten
Mr. Kouadio
Mr. Lacasa Aso

Mr. Mah
Mr. Muyumbu
Mr. Oechslein
Mr. Owuor
Mr. de Regil Gómez
Mr. Saïd
Mr. de Silva
Mr. Toure

Worker members:

Mr. Adiko
Mr. Ahmed
Mr. Baker
Mr. Diop
Mr. Maruyama
Mr. Mendoza

Mr. Morton
Mr. Muhr
Mr. Mukherjee
Mr. Timmer
Mr. Vanni
Mr. Wang Jiachong

Substitutes:

Mr. Allini
Mr. Baldassini
Mr. Chiroma
Mr. Crean
Mr. Eid
Mr. Maier

Mr. Mercier
Mr. Sánchez Madariaga
Mr. Sudono
Mr. Svenningsen
Mr. Walcott
Mr. Yanaev

International Organisations Committee

Government members:

Brazil
Byelorussian SSR
China
Colombia
German Democratic Republic
India

Italy
Lesotho
Somalia
Switzerland
USSR
United States

Substitutes:

Argentina
Australia
Cameroon
Canada
France
Kuwait

Sri Lanka
Sweden
Thailand
Turkey
Venezuela

Employer members:

Mr. Al-Jassem
Mr. Arbesser-Rastburg
Mr. Eurnekian
Mr. Katz

Mr. Lacasa Aso
Mr. de Regil Gómez
Mr. Tata

Substitutes:

Mr. Arets
Mr. Decosterd
Mr. Georget
Mr. von Holten

Mr. Oechslin
Mr. Periquet
Mr. Saïd
Mr. Touré

Worker members:

Mr. Ali Ibrahim
Mr. Baker
Mr. Blondel
Mr. Crean

Mr. Delpino
Mr. Diop
Mr. Sudono
Mr. Yanaev

Substitutes:

Mr. Adiko
Mr. Mendoza
Mr. Mukherjee
Mr. Svenningsen

Mr. Timmer
Mr. Wang Jiachong
Mr. Zimba

Committee on Operational Programmes

Government members:

Antigua and Barbuda
Argentina
Benin
Botswana
Brazil
Burundi
Cameroon
China
Colombia
Cuba
German Democratic Republic
Greece
India
Iran, Islamic Republic of
Italy

Kuwait
Liberia
Libyan Arab Jamahiriya
Malaysia
Somalia
Sri Lanka
Sweden
Tanzania, United Republic of
Thailand
Turkey
Uganda
USSR
United Kingdom
United States
Uruguay

Substitutes:

Byelorussian SSR
Canada
Czechoslovakia
Ecuador
France
Germany, Federal Republic of

Guinea
Japan
Morocco
Venezuela
Yugoslavia

Employer members:

Mr. Arbesser-Rastburg
Mr. Diaz Garaycoa
Mr. Georget
Mr. Kouadio
Mr. Lacasa Aso
Mr. Nasr

Mr. Okogwu
Mr. Owuor
Mr. Saïd
Mrs. Sasso-Mazzufferi
Mr. Williams

Substitutes:

Mr. Al-Jassem
Mr. Brillinger
Mr. Dooge
Mr. Gazarin
Mr. von Holten
Mr. Lindner
Mr. Lounis Khodja
Mr. Montt Balmaceda

Mr. Muyumbu
Mr. Oechslin
Mr. Periquet
Mr. de Regil Gómez
Mr. Rey
Mr. Santos Neves
Mr. Sumbwe
Mr. Toure

Worker members:

Mr. Ahmed
Mr. Allini
Mr. Baldassini
Mr. Diop
Mr. Eid
Mr. Mendoza

Mr. Sudono
Mr. Svenningsen
Mr. Timmer
Mr. Walcott
Mr. Wang Jiachong

Substitutes:

Mr. Ali Ibrahim
Mr. Baker
Mr. Morton

Mr. Mukherjee
Mr. Yanaev
Mr. Zimba

Committee on Freedom of Association

Government members:

India
Substitute: Australia
France
Substitute: Greece

Venezuela
Substitute: Argentina

Employer members:

Mr. Oechslin
Mr. de Regil Gómez

Mr. Rowe

Substitutes:

Mr. Okogwu
Mr. Saïd

Mr. Villalobos

Worker members:

Mr. Maier
Mr. Sánchez Madariaga

Mr. Zimba

Substitutes:

Mr. Chiroma
Mr. Delpino

Mr. Mukherjee

Committee on Discrimination

Government members:

Canada
China
Cuba
France
German Democratic Republic
India
Kuwait

Libyan Arab Jamahiriya
Sweden
Tanzania, United Republic of
USSR
United States
Venezuela

Substitutes:

Czechoslovakia
Guinea
Iran, Islamic Republic of

Lesotho
Sri Lanka

Employer members:

Mr. Brillinger
Miss Hak

Miss Mackie
Mr. Sumbwe

Substitutes:

Mr. Dooge
Mr. Georget
Mr. Kouadio
Mr. Oechslein

Mr. Owuor
Mr. Saïd
Mr. Williams

Worker members:

Mr. Ali Ibrahim
Mr. Blondel
Mr. Chiroma

Mr. Delpino
Mr. Mercier

Substitutes:

Mr. Crean
Mr. Diop
Mr. Eid

Mr. Vanni
Mr. Yanaev

Committee on Multinational Enterprises

Government members:

Antigua and Barbuda
Australia
India

Italy
USSR
United States

Substitutes:

Canada

United Kingdom

Employer members:

Mr. Decosterd
Miss Hak
Mr. Katz

Miss Mackie
Mr. Okogwu
Mr. Tsujino

Substitutes:

Mr. Brillinger
Mr. Gazarin
Mr. Lindner

Mr. de Regil Gómez
Mr. Rowe
Mr. Saïd

Worker members:

Mr. Adiko
Mr. Baker
Mr. Crean

Mr. Morton
Mr. Mukherjee
Mr. Sánchez Madariaga

Substitutes:

Mr. Baldassini
Mr. Blondel
Mr. Diop

Mr. Mendoza
Mr. Mercier
Mr. Yanaev

Committee on Employment

Government members:

Argentina
Australia
Bangladesh
Benin
Botswana
Brazil
Byelorussian SSR
Cameroon
China
Cuba
Czechoslovakia
France
German Democratic Republic
Germany, Federal Republic of
Guinea
India
Iran, Islamic Republic of

Italy
Japan
Lesotho
Liberia
Libyan Arab Jamahiriya
Morocco
Nicaragua
Sri Lanka
Sweden
Switzerland
Tanzania, United Republic of
Turkey
Uganda
USSR
United States
Venezuela
Yugoslavia

Substitutes:

Antigua and Barbuda
Canada
Kuwait
Malaysia

Somalia
Thailand
Uruguay

Employer members:

Mr. Arbesser-Rastburg
Mr. Georget
Mr. Katz
Mr. Lindner
Miss Mackie
Mr. Owuor

Mr. Pierides
Mr. Rowe
Mr. Saïd
Mr. Santos Neves
Mrs. Sasso-Mazufferri
Mr. Tata

Substitutes:

Mr. Arets
Mr. Brillinger
Mr. Dooge
Miss Hak
Mr. Mah
Mr. Nasr
Mr. Oechslin

Mr. Okogwu
Mr. de Regil Gómez
Mr. Rey
Mr. Sumbwe
Mr. Touré
Mr. Tsujino
Mr. Williams

Worker members:

Mr. Adiko
Mr. Crean
Mr. Delpino
Mr. Diop

Mr. Morton
Mr. Mukherjee
Mr. Wang Jiachong
Mr. Yanaev

Substitutes:

Mr. Allini
Mr. Blondel
Mr. Eid

Mr. Maier
Mr. Timmer

Working Party on Constitutional Amendments concerning Conference Delegations

Government members:

Thailand
USSR

United States
Venezuela

Substitutes:

Malaysia

Sri Lanka

Employer members:

Mr. Brillinger
Mr. Georget
Miss Hak

Mr. Lindner
Mr. Nasr

Substitutes:

Mr. von Holten
Mr. Saïd

Mr. Tsujino

Worker members:

Mr. Ali Ibrahim
Mr. Baldassini

Mr. Muhr
Mr. Mukherjee

Substitutes:

Mr. Adiko
Mr. Mercier

Mr. Svenningsen
Mr. Timmer

Composition of various bodies

*Board of the International Institute
for Labour Studies*

Chairman (ex officio): the Director-General of the International Labour Office
(Mr. F. Blanchard).

Secretary (ex officio): the Director of the Institute (Mr. E. M. Kane).

The Governing Body appointed the following 12 of its members, four from each of the three groups, as members of the Board of the Institute for a period of three years:

Government members:

Burundi
Czechoslovakia

India
Nicaragua

Substitutes:

Benin
Colombia

Italy
Sri Lanka

Employer members:

Mr. Nasr
Mr. Oechslein

Mr. Rowe
Mr. Saïd

Substitutes:

Mr. Arets
Mr. Décosterd
Mr. Dooge
Mr. Georget
Mr. Kouadio
Mr. Montt Balmaceda

Mr. Okogwu
Mr. Owuor
Mrs. Sasso-Mazzufferi
Mr. Touré
Mr. Williams

Worker members:

Mr. Adiko
Mr. Ahmed

Mr. Baldassini
Mr. Blondel

Substitutes:

Mr. Chiroma
Mr. Eid
Mr. Maier

Mr. Mendoza
Mr. Sudono
Mr. Walcott

Independent personalities appointed by the Governing Body:

Mr. C. Ake
Mr. Y. K. Alagh
Mr. E. C. Antosenkov
Mr. G. Caire
Mrs. G. T. Castillo

Mr. A. M. Elsalmi
Miss A. González Martínez
Mr. A. Franco Montoro
Mr. C. M. Rehmus
Mr. E. Wadensjo

The Conseiller d'Etat in charge of the Département de l'instruction publique of the Republic and Canton of Geneva
(ex officio):

Mr. D. Föllmi

Representative of the Secretary-General of the United Nations:

Mr. G. Hinteregger

A representative of the Director-General of UNESCO

Board of the International Centre for Advanced Technical and Vocational Training:

Chairman (ex officio): the Director-General of the International Labour Office
(Mr. F. Blanchard)

Secretary (ex officio): the Director of the Centre (Mr. F. d'Attilia)

Member appointed by the Italian Government: Mr. G. Falchi

Member appointed by the City of Turin: The Mayor of Turin (or his substitute)

The Chairman of the Regional Council of Piedmont (or his substitute)

The Chairman of the Unione Industriale di Torino (or his substitute)

The Governing Body appointed the following 24 of its members — 12 from the Government group (including six from among the representatives of the Members of chief industrial importance) and six from each of the other two groups — as members of the Board of the Centre for a period of three years:

Government members:

Argentina
Brazil¹
Cameroon
France¹
India¹
Japan¹

Libyan Arab Jamahiriya
Malaysia
Somalia
Sri Lanka
USSR¹
United States¹

Substitutes:

Federal Republic of Germany
Guinea
United Republic of Tanzania

Thailand
Uganda
Uruguay

¹Members of chief industrial importance.

Employer members:

Mr. Décosterd
Mr. Georget
Mrs. Sasso-Mazzufferi

Mr. Sumbwe
Mr. Williams
Mr. Diaz Garaycoa

Substitutes:

Mr. Muyumbu
Mr. Saïd
Mr. Villalobos
Mr. Eurnekian
Mr. von Holten
Mr. Kouadio
Mr. Lounis Khodja

Mr. Oechslin
Mr. Owuor
Mr. de Regil Gómez
Mr. Touré
Mr. Moukoko Kingue
Mr. Gazarin

Worker members:

Mr. Baldassini
Mr. Chiroma
Mr. Mendoza

Mr. Timmer
Mr. Vanni
Mr. Zimba

Substitutes:

Mr. Ahmed
Mr. Ali Ibrahim
Mr. Allini

Mr. Maruyama
Mr. Morton
Mr. Mukherjee

International organisations:

United Nations
UNESCO

UNIDO
UNDP

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS¹

Meetings

*Fourteenth International Conference of
Labour Statisticians (Geneva, 28 October–6 November 1987)*

The Governing Body approved the nomination of three representatives and ten substitutes made after consulting the *Employers' group* and of three representatives and two substitutes made after consulting the *Workers' group*.

*High-level Meeting on Employment and
Structural Adjustment (Geneva, 23–25 November 1987)*

The Governing Body decided that the regional distribution of seats for the meeting should be as follows: 20 government seats divided equally among the four regions—i.e. five for Africa, five for the Americas, five for Asia and the Pacific and five for Europe (Western Europe three, Eastern Europe two)—and authorised its Officers to approve the list of governments on its behalf. It was understood that

¹ The names, titles and functions of the persons appointed by the Governing Body, as well as an indication of the organisations and bodies invited to be represented at these meetings, can be found in the papers submitted to the Governing Body under item 3 on its agenda.

governments not among the 20 invited might attend the meeting without the right to participate in the discussions.

The Governing Body also approved the nomination of ten representatives and ten substitutes made after consulting the *Workers' group* and authorised its Officers to approve the nominations of the *Employers' group* on its behalf.

Tripartite Meeting on Salaried Authors and Inventors (Geneva, 24 November – 4 December 1987)

The Governing Body approved the nomination of 15 representatives and eight substitutes made after consulting the *Employers' group* and of 13 representatives and five substitutes made after consulting the *Workers' group*.

REPORT OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

On the understanding that the additional cost occasioned would not exceed US\$15,000 and would be financed from savings in Part I of the budget, the Governing Body approved the financing of a tripartite Governing Body delegation to the Second UNIDO Consultation on the Training of Industrial Manpower (Paris, 14–19 September 1987).

REPORT OF THE DIRECTOR-GENERAL

Renewal of appointment of Professor Roberto Ago as Chairman of the Committee on Freedom of Association

Upon the recommendation of its Officers the Governing Body extended the term of office of Professor Ago as Chairman of the Committee on Freedom of Association until the expiry of the term of office of the Governing Body.

Appointment of non-Governing Body members of the Board of the International Institute for Labour Studies

Upon the recommendation of its Officers the Governing Body appointed Professor Claude Ake, Professor Yoginder K. Alagh, Professor Evgenii G. Antosenkov, Professor Guy Caire, Professor Gelia T. Castillo, Professor Ali Mohamed Elsalmi, Ambassador Aída González Martínez, Professor André Franco Montoro, Professor Charles M. Rehmus and Professor Eskil Wadensjö as members of the Board of the International Institute for Labour Studies for a period of three years.

PROGRAMME OF MEETINGS

The following programme of meetings was approved for the remainder of 1987 and for 1988:

Date	Title of meeting	Place
1987		
1–7 September	Joint ILO/WHO Committee on Occupational Health (Tenth Session)	Geneva
15–22 September	Fourth European Regional Conference	„
24 September– 9 October	74th (Maritime) Session of the International Labour Conference	„

Date	Title of meeting	Place
During the 74th Session of the Conference	Joint Maritime Commission (25th Session)	„
28 October– 6 November	Fourteenth International Conference of Labour Statisticians	„
5–20 November	238th Session of the Governing Body and its Committees	„
23–25 November	High-Level Meeting on Employment and Structural Adjustment	„
24 November– 2 December	Tripartite Meeting on Salaried Authors and Inventors	„
2–10 December	Third Tripartite Meeting for the Clothing Industry	„
1988		
18 February– 4 March	239th Session of the Governing Body and its Committees	„
March	Committee of Experts on the Application of Conventions and Recommendations	„
13–21 April	Coal Mines Committee (Twelfth Session)	„
4–13 May	Committee on Conditions of Work in the Fishing Industry	„
23–28 May and immediately after the Conference	240th Session of the Governing Body and its Committees	„
1–22 June	75th Session of the International Labour Conference	„
5–13 October	Chemical Industries Committee (Tenth Session)	„
October	Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART)	To be determined
7–18 November	241st Session of the Governing Body and its Committees	Geneva
7–15 December	Metal Trades Committee (Twelfth Session)	„
Last quarter	Joint Committee on the Public Service	„
To be determined	Tripartite Symposium on Working Time Issues in Industrialised Countries	„
To be determined	Seventh African Regional Conference	To be determined

APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

Governing Body representation at ILO meetings for the remainder of 1987

Fourth European Regional Conference (Geneva, 15–22 September 1987)

In addition to its Chairman, the Governing Body appointed the following delegation:

<i>Government member:</i>	Mr. Reantragoon (<i>Thailand</i>)
<i>Employer member:</i>	Mr. Georget
<i>Worker member:</i>	Mr. Walcott
	<i>Substitute:</i> Mr. Allini

Joint Maritime Commission

The Governing Body appointed two representatives on the Joint Maritime Commission, one each to represent the Employers' and Workers' groups respectively,¹ as follows:

¹ The Chairman of the Governing Body is ex officio Chairman of the Commission.

Employer member: Mr. Tsujino
Substitute: Mr. Suzuki
Worker member: Mr. Svenningsen

*Third Tripartite Technical Meeting
for the Clothing Industry
(Geneva, 2–10 December 1987)*

The Governing Body appointed the following delegation:

Employer member: Mr. Arbesser-Rastburg
Worker member: Mr. Chiroma

The Governing Body noted that the Government member of its delegation, who would act as Chairman of the Meeting, would be nominated at its November 1987 session.

*Governing Body representation at the Second UNIDO Consultation on the
Training of Industrial Manpower (Paris, 14–19 September 1987)*

The Governing Body decided that it would be represented by a tripartite delegation at the Second UNIDO Consultation on the Training of Industrial Manpower and appointed the following members of its delegation:

Government member: Mr. Dasanayake (*Sri Lanka*)
Employer member: Mr. Tata
Worker member: Mr. Blondel
Substitute: Mr. Baker

Agreement concerning the Social Security of Rhine Boatmen (Revised) Adopted in Geneva on 30 November 1979¹

RATIFICATION BY BELGIUM

The instrument of ratification by Belgium of the Agreement concerning the Social Security of Rhine Boatmen (Revised), adopted in Geneva on 30 November 1979, was deposited with the Director-General of the International Labour Office on 23 September 1987.

ENTRY INTO FORCE OF THE AGREEMENT

As a result of its ratification by Belgium, this Agreement, which has been accepted by the Netherlands and successively ratified by Luxembourg, the Federal Republic of Germany, France and Switzerland, will come into force on 1 December 1987.

¹ For the text of this Agreement see *Official Bulletin*, 1981, Series A, No. 1, pp. 39-80.

Official Measures Taken regarding Decisions of the International Labour Conference¹

Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986²

Ratifications

In accordance with Article 3 of the Instrument for the amendment of the Constitution of the International Labour Organisation, 1986, the following ratifications have been communicated to the Director-General of the International Labour Office:

	<i>Date received</i>
Botswana	7 July 1987
Iceland	28 July 1987
Iraq	24 September 1987
Norway	12 August 1987
Pakistan	10 July 1987
Sweden	2 September 1987
Switzerland	8 September 1987

The total number of ratifications and acceptances is now 23.

¹ Period covered: 1 July 1987 to 30 September 1987.

² For the text of this Instrument, see *Official Bulletin*, 1986, Series A, No. 2, p. 60.

Ratifications of International Labour Conventions

Notice is hereby given that the Director-General of the International Labour Office has registered the undermentioned ratifications of international labour Conventions. In pursuance of article 20 of the Constitution of the International Labour Organisation, particulars of these ratifications have been communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

State	Convention	Date of registration of ratification	Date on which ratification will take effect
Ratifications			
Cape Verde	Equality of Treatment (Social Security) Convention, 1962 (No. 118) <i>In accordance with Article 2, paragraphs 1–3 of the Convention, the obligations of the Convention have been accepted in respect of the following branches of social security: medical care; sickness benefit; maternity benefit; invalidity benefit; old-age benefit; survivors' benefit; employment injury benefit; and family benefit.</i>	8 July 1987	8 July 1988
Norway	Labour Statistics Convention, 1985 (No. 160) <i>Acceptance of all the articles of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>	6 August 1987	6 August 1988
Sweden	Asbestos Convention, 1986 (No. 162)	2 September 1987	Twelve months after the date of registration of a second ratification
Venezuela	Minimum Age Convention, 1973 (No. 138) <i>The minimum age of 14 years has been specified pursuant to Article 2, paragraph 1, of the Convention.</i>	15 July 1987	15 July 1988

DOCUMENTS

Iron and Steel Committee

(Eleventh Session, Geneva, 3–11 December 1986)

CONCLUSIONS, RESOLUTIONS AND CLASSIFICATION ADOPTED

Conclusions (No. 88) concerning Policies for Maintaining Social Development through Collective Bargaining, Legislation and Adequate Social Security Protection to Cope with Structural Change in the Iron and Steel Industry¹

The Iron and Steel Committee of the International Labour Organisation,
Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986,

Having discussed the Report (Report II) on “Policies for maintaining social development through collective bargaining, legislation and adequate social security protection to cope with structural change in the iron and steel industry”, which had been prepared by the International Labour Office;

Adopts this eleventh day of December 1986 the following conclusions:

General considerations

1. Structural changes are inevitable, and will continue to occur in the iron and steel industry, in both industrialised and developing countries. One of the dominant features of these structural changes is that they may cause social hardships, notably lasting reduction in employment in this industry in many countries.

2. The causes of restructuring in the iron and steel industry differ from one country to another. In many countries, overall markets have been shrinking or stagnant due to cyclical recession in the past few years, while in others, part of the problem emanates from overcapacity. In addition, the demand for higher quality and new types of steel makes it necessary to undertake rapid technological innovation in steel production, with the consequence that steelworkers are required to have higher and more versatile qualifications.

3. The shrinking demand for steel, which is caused amongst other things by a reduction of steel content in some sectors such as manufacturing, derived in part from improved quality of steel, and by reduced activity in other sectors such as shipbuilding, is at the heart of the economic aspects of the structural adjustment process and its broad implications. An additional important factor is the pattern of international trade which has made the market for steel a “world (or global) market”.

4. Under these circumstances, it is crucially important that concerted efforts are made by governments, employers and workers in steel-producing countries to bring about a restructuring compatible with employment, economic growth, profitability, competitiveness and the long-term viability of the industry. Particularly, increased investments in the steel industry to cope with domestic problems as well as investments in infrastructure which would benefit the economy as a whole, and the steel industry in particular, should be encouraged.

5. The purpose of structural adjustment is to achieve the goals set out in paragraph 4, and a full and continuing commitment of all social partners should be secured in the implementation of change. Flexibility as regards both procedures to arrive at solutions and the content of those solutions, should be exercised by governments, employers and workers and their representatives, in the framework of free, independent collective bargaining and tripartite co-operation.

¹Unanimously adopted.

6. The iron and steel industry, which is of vital importance to the national economy, has to cope with various sets of problems in different countries. In many countries, restructuring is associated with reduced or stagnant steel production while in other countries, notably in certain developing countries, the most pressing problems are the acquisition of appropriate skills and technological upgrading.

7. The restructuring of the iron and steel industry has accelerated the introduction of modern machinery and new production processes. These have eliminated or reduced certain safety and health hazards but have at times created or increased others. Securing plant-related environment, notably the working environment, and safety and health at work should be the subject of continued consultation between governments, employers and workers, with a view to the identification and implementation of appropriate measures. Investment in environmental protection technology should be considered in the context of national requirements and, where necessary, should be supported by governments.

Structural change, tripartite co-operation and collective bargaining

8. The experience gained in many countries clearly shows that collective bargaining and tripartite co-operation have demonstrated their effectiveness as means of securing the commitment of all social partners to a balanced process of restructuring.

9. Effectiveness of co-operation and collective bargaining are conditional on the existence of free, representative and independent organisations of workers and employers and on the recognition of bargaining autonomy. ILO Conventions and Recommendations, in particular the following ones, should be implemented wherever this has not yet been done: Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), the Right to Organise and Collective Bargaining, 1949 (No. 98), and the Convention concerning Workers' Representatives, 1971 (No. 135).

10. Recognising that the decision to restructure an enterprise is for the employer and that such decisions can carry adverse implications for the workers involved, it is desirable for them to be advised of proposed changes, as early as possible and in advance of their implementation, so as to allow consultation. With a view to mitigating the negative social consequences, the parties involved should have at their disposal the best available information on likely social problems which might arise, in order to determine the most effective measures to be taken.

11. The purpose of co-operation and consultation should be to provide adequate and accurate information which would enable meaningful and viable solutions to be achieved through collective bargaining, tripartite co-operation or legislative change.

12. In implementing structural change, iron and steel enterprises should seriously consider the social consequences of such decisions, with a view to mitigating to the extent possible the adverse effects on workers, due regard being had to the continued viability of the enterprise and the planned progress of restructuring. For this purpose, the employer should, in accordance with national law and practice regarding consultation, consult workers and their representatives as early as possible in order to facilitate not only the application of proposed solutions, but where practicable the search for alternatives.

13. In the absence of national law, collective agreements or other practices, governments should encourage the process of co-operation at the level of the enterprise by providing, where necessary, and in accordance with the provisions of the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), and the Consultation (Industrial and National Levels) Recommendation 1960 (No. 113), the facilities for such consultations. Similar arrangements may be particularly appropriate for regional or national consultations, wherever the restructuring extends to whole regions or to the industry throughout the country.

Measures to assist the iron and steel industry at the enterprise and national level

14. In taking decisions regarding restructuring of an iron and steel enterprise, account should be taken of the consequences of these decisions on the following issues: levels and types of employment; requirements for workers with special skills; geographic and/or industry location; relocation of workers; protecting redundant workers and their possible loss of income; infrastructure of local and national communities.

15. Measures which may be appropriate in some circumstances to facilitate restructuring and limit undesirable consequences include: advance notice to workers of proposed changes

and their implications for them; provision of vocational training and retraining; provision of special job-placement services; income maintenance for limited periods; geographical and/or job relocation assistance for displaced workers; reduced compulsory retirement age; voluntary early retirement schemes.

16. In taking decisions to restructure which involve reduction in the workforce, termination of employment should be exercised with great restraint and used only as a last resort. Various alternative measures, including internal transfers, retraining, early retirement schemes, labour attrition, etc., should be applied where possible to eliminate or reduce job losses.

17. When employers and workers are not able to avert the negative effects of restructuring, at the level of the enterprise, particularly in regions which were developed around steel plants, governments should provide temporary support to relief programmes. The experience of some countries in which the iron and steel industry has undergone structural adjustment and where a series of co-ordinated measures, including support from the public sector was undertaken, has yielded impressive results in this respect.

18. When reduction in the workforce of a restructuring iron and steel enterprise is unavoidable, and such reduction entails temporary lay-offs or termination of employment, employers and workers should follow criteria established in advance, and should be guided, as a minimum, by the ILO Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166).

19. Depending on the economic situation, the industrial relations system and the circumstances of restructuring in each country, different approaches to collective bargaining, tripartite co-operation, legislation and other measures may be particularly relevant. Tripartite co-operation at the macro-economic level is particularly useful where all three partners are prepared to undertake innovative approaches that would enhance their respective contributions. Governments could not be expected to underwrite the iron and steel industry without knowing what constructive measures the employers and workers are prepared to take.

20. Many of the social problems which have to be dealt with due to restructuring go beyond the enterprise and touch upon matters which pertain to the public at large. This is where tripartite responsibility for solutions should be sought. All three partners (government, employers and workers) have a contribution to make and should be prepared to abide by the solutions which should be jointly elaborated.

21. When whole communities are affected by restructuring, local and national authorities should bear an important share of the responsibility for policies which would help the communities to adapt to changing conditions. Programmes that promote employment and that provide for income security for the unemployed and for retraining and re-employment in other industries or other regions should be encouraged.

22. Decisions regarding the production process include subcontracting of work, in particular short-term projects or work requiring special skills which are not available in the enterprise and equipment which enterprises cannot utilise on a permanent basis. Consultation at the enterprise level regarding subcontracting should be carried out under procedures established in accordance with national conditions and practices and/or collective bargaining arrangements, where appropriate. Contracting out should not necessarily be to the detriment of the workforce of the enterprise.

23. Flexible working time arrangements (including shift work and calculation of working hours on the basis of daily, weekly, monthly, yearly periods, or even a whole life-time) should be the subject of consideration in the context of collective bargaining, national practice and legislation. All sides should be guided by the Holidays with Pay Convention (Revised), 1970 (No. 132), the Reduction of Hours of Work Recommendation, 1962 (No. 116), as well as by Conclusions No. 63 of the Iron and Steel Committee, in dealing with provisions to keep overtime work to a minimum and with the question of avoiding loss of income occasioned by shortened hours of work.

Future ILO action

24. While the experience of one country may not be easily applicable to others, enterprises should, however, try to draw lessons therefrom. For this purpose, the ILO should undertake case studies of restructuring of enterprises in the iron and steel industry in all their phases from

the outset to the final outcome, with the objective of evaluating the whole process and the viability of the solutions employed.

25. The ILO should convene a small tripartite meeting of experts whose task would be to examine the case studies mentioned in paragraph 24 and identify the most pressing social problems with a view to formulating conclusions and guide-lines, thereby contributing to fruitful tripartite discussions at national levels.

26. Another aspect in which the ILO should continue to play a constructive role is facilitating the transfer of information on the situation in the iron and steel industry in industrialised and developing countries, including information on the labour and social consequences of restructuring and world trade in this industry. It is equally important that the ILO draw the attention of other competent international bodies and agencies to the global social consequences flowing from the present situation in the iron and steel industry, and to ILO standards, notably Conventions Nos. 87 and 98, which deal with basic workers' rights.

Conclusions (No. 89) concerning Productivity Improvement and Its Effects on the Level of Employment and Working Conditions in the Iron and Steel Industry¹

The Iron and Steel Committee of the International Labour Organisation,
Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986.

Having discussed the report (Report III) on "Productivity improvement and its effects on the level of employment and working conditions in the iron and steel industry" which had been prepared by the International Labour Office;

Adopts this eleventh day of December 1986 the following conclusions:

General considerations

1. The world iron and steel industry is going through a sustained period of low demand and very rapid technological progress, and in this situation tripartite co-operation is particularly important.

2. Productivity improvement in all forms, including capital productivity as well as labour productivity, is essential for the future of the iron and steel industry.

Productivity measurement and comparison

3. The existing statistics for measuring labour productivity in the iron and steel industry have various limitations, and comparisons between enterprises and between countries are not easy.

4. In order to measure productivity for these purposes, account should be taken of the total number of hours actually worked, excluding all time off from work. In comparing the measurements as between enterprises, such factors as the quality of the steel, the type of product and technology, the number of workers and the extent of subcontracting cannot be overlooked. Moreover, financial factors such as interest rates, exchange rates and taxes have to be taken into account.

Productivity, employment and working conditions

5. Although the relationship between productivity improvement, on the one hand, and working conditions, on the other, depends on the specific conditions of individual companies, the fruits of increased productivity should be shared by the workers in the form of improved working conditions such as earning levels and the duration of working time, to the extent that these do not disadvantage the competitiveness of the company concerned.

6. In order to maintain and raise the rate of capacity utilisation in the iron and steel industry, major efforts should be made as appropriate by governments, the industry and its

¹ Unanimously adopted.

workforce to promote the use of iron and steel through the development of new as well as competitive products that fill the need for both traditional and new uses.

7. Closure of plants should be the last resort. Before a plant closure takes effect, there should be information made available to and consultation as early as possible with the workers, their representatives and governments as appropriate, in line with existing agreements and practices in order that the closure is carried out in as socially responsible a manner as possible.

8. Productivity improvements of all kinds, including research and development into modern production processes and new and higher quality products provides the most effective method for ensuring the competitiveness of the enterprises and therefore the safeguarding of jobs. Investment in environmental protection technologies should also receive consideration in accordance with national requirements and with the assistance and encouragement of governments where appropriate.

New technologies

9. It would be neither possible nor desirable to retard technological progress. Prior to its introduction, consultation should be held on aspects such as health and safety, job content, training, wages, benefits and other conditions of work pertaining to the new technology.

10. New microelectronics-based technologies can be applied very advantageously to general maintenance functions, preventive maintenance programmes, inventory control and planning. New technical advances, such as electronic process control and fault diagnosis, are important tools in strengthening the competitive position of companies and in improving working conditions in the iron and steel industry.

11. Prior to the introduction of new technologies, however, their economic and social effects should be duly assessed and employers and workers should collaborate in such efforts.

12. The application of new technologies should be the subject of information exchange and consultation between employers and workers and their representatives at the appropriate level in accordance with the industrial relations traditions in each country.

Training

13. Training should be relevant to the individual and the company, and there should be no discrimination in the selection of workers needing training for the purposes of their job. Individual workers in the iron and steel industry should accept the opportunity to be trained as appropriate and should use training so acquired to contribute to improved productivity and conditions of employment as envisaged by paragraph 5 of these conclusions.

14. All kinds of on-the-job and off-the-job training, including health and safety, appropriate to the needs of the company, should be used to help workers adapt to the exigencies of rapid technological progress in which the iron and steel industry operates.

15. In view of the growing need for continuous training and retraining, especially for the purposes of job transfer, new technology and multi-skilling, companies should expand, wherever possible and necessary, their overall training facilities and opportunities in collaboration and with the assistance of governments. Payment for existing workers for necessary on- and off-the-job training should be in accordance with the prevailing industrial practices of each enterprise and/or each member country.

16. Efforts should be continued at cross-skilling and multi-skilling, to improve productivity, provide greater job satisfaction in all jobs and facilitate most effectively the adoption of computerisation and other technological progress. In accordance with the industrial relations practices of each country, consideration should be given to measures leading to improved terms of employment and proper protection for workers displaced, as envisaged by paragraph 5 of these conclusions,

17. The need for training for the iron and steelworkers of developing countries in advanced countries was recognised. The developing countries should also examine the transferability of training methods which are being successfully used in industrialised countries to develop the skills of workers.

Future ILO action

18. The ILO should encourage pilot projects in the iron and steel industry on the ergonomics of work, on policies to cope with the effects of high productivity on employment, and on technological innovations to create job opportunities. Special attention should be placed on ergonomic research, the application of which could bring great benefits in terms of improved performance, environmental conditions and decreased stress.

19. In preparation for an item on the agenda of the Committee's next session, the ILO should undertake some fact-finding studies on the further training in the steel industry, on how far it benefits workers at various levels, on the resources being spent on such activities, and on the benefits derived therefrom by the different groups of workers in the industry.

Resolution (No. 90) concerning Health and Safety and the Work Environment in the Iron and Steel Industry¹

The Iron and Steel Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986,

Recalling Resolution No. 47 concerning the promotion of safety in the iron and steel industry, adopted at the Sixth Session in 1957, which sets out basic principles for an effective policy in this field,

Drawing particular attention to Conclusions No. 73 (1975) concerning the working environment in the iron and steel industry, which establish guide-lines for governments, employers and workers or their representatives in dealing with safety and health problems, with special emphasis on prevention of accidents and on health protection,

Considering the working conditions and the potential risks to health and safety to which workers may be exposed in this industry, especially in developing countries,

Considering the changes in new steelmaking technologies and their potential effects on the workers and the working environment;

Adopts this eleventh day of December 1986 the following resolution:

The Iron and Steel Committee invites the Governing Body of the International Labour Office:

1. to call upon member States to develop, in co-operation with the employers' and workers' organisations, appropriate programmes for health and safety and the protection of the work environment in the iron and steel industry, taking into account the relevant ILO standards and codes of practice;

2. to request member States to give appropriate attention to the ILO *Code of practice on occupational safety and health in the iron and steel industry* and to its use and application throughout the industry;

3. to request the Director-General:

(a) to keep a constant and close watch on health and safety and the working environment in the iron and steel industry and to promote the ILO *Code of practice on occupational safety and health in the iron and steel industry*;

(b) to keep abreast of the knowledge about health and safety hazards and the latest preventive measures, and rapidly to disseminate such information;

(c) to follow the evolution of legislation and other provisions for the improvement of the environment at the workplace;

(d) to make new efforts, by improving the reporting system on accidents and diseases, to establish reliable and internationally comparable data on health and safety, make the information freely available and promote its use in the iron and steel industry;

¹ Unanimously adopted.

- (e) to undertake, through the International Programme for the Improvement of Working Conditions and Environment (PIACT), in-depth research into the health and safety and working environment aspects of new hazards in the iron and steel industry;
- (f) to develop a strategy for the continuous training of workers, supervisors and management in the field of health, safety, welfare and working environment; to design and organise model training courses for the various steel-producing regions;
- (g) to expand the activities of the PIACT for the benefit of the iron and steel industry by making funds available for health and safety training, especially in developing countries;
- (h) to use the ILO Code of *practice on occupational safety and health in the iron and steel industry* for training carried out by the PIACT or general training projects in the iron and steel industry.

Resolution (No. 91) concerning Vocational Training in the Iron and Steel Industry¹

The Iron and Steel Committee of the International Labour Organisation,
Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986,

Emphasising that the right to vocational training is an integral part of the basic right to education,

Referring to Resolution No. 57 (1963) concerning tripartite action regarding vocational training and Conclusions No. 81 (1981) concerning the establishment of iron and steel industries in developing countries and its impact on training and the development of skills, adopted by the Iron and Steel Committee at its Seventh and Tenth Sessions respectively,

Stressing the importance of broad basic education and training, of the high level of skill and the flexibility of the workforce for the iron and steel industry,

Underlining the important role that training, retraining and further training play to assist workers to adapt to new technologies and to cope with structural change,

In the light of new developments, emphasising the need to strengthen where appropriate and to update training facilities and programmes so that steelworkers can develop their skills through broad basic training, adequate retraining and continuous training,

Recognising that comprehensive training systems without discriminating amongst workers are an important element for job security and career development;

Adopts this eleventh day of December 1986 the following resolution:

The Iron and Steel Committee invites the Governing Body of the International Labour Office:

1. to appeal to governments, employers' and workers' organisations in the iron and steel industry:

- (a) to develop their tripartite co-operation and participation in the field of training activities, retraining and skill development;
- (b) to work out the measures necessary for the training, retraining and skill development of workers, also with a view to improving their future job opportunities;
- (c) to expand where necessary and update training programmes and facilities;
- (d) to adapt job specifications and syllabi to new technologies in the iron and steel industry, taking into account modern methodologies and techniques, and promote performance-based skills;

2. to request the Director-General:

- (a) to assist governments, employers' and workers' organisations in the member countries in their efforts to establish comprehensive and effective training programmes for steelworkers;
- (b) to make a study, in selected developing and industrialised countries, of:
 - (i) new qualification requirements in the iron and steel industry due to technological changes;

¹ Unanimously adopted.

- (ii) the job occupational analysis in steelworks, present qualifications of the workforce and the availability of up-to-date in-plant training facilities and programmes for steelworkers;
 - (iii) the new skills that will be needed by both employed, unemployed and young workers based on the labour market and employment promotion to reinvigorate the steel industry and contribute to the development of steel-producing regions;
 - (iv) training schemes linked with job-creation programmes;
- (c) to step up the ILO's support of training systems and infrastructures for the iron and steel industry in developing countries, through its Technical Co-operation Programmes, in order to increase the contribution of this basic sector to socio-economic development in these countries;
3. to retain the whole question of vocational training as a major item in the future activities of the Iron and Steel Committee.

Resolution (No. 92) concerning International Co-operation in the Iron and Steel Industry¹

The Iron and Steel Committee of the International Labour Organisation,
Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986,

Noting the serious difficulties faced by the iron and steel industry due to insufficient economic growth and deep structural change throughout the world economy,

Considering that the overcapacity in steel, the continuing advance of technology, the geographical shift of steel production to new locations, and disruptive changes in the world market are creating severe problems for the iron and steel sector,

Expressing its deep concern about the repercussions of these factors on employment and social conditions in the iron and steel industry,

Believing that international co-operation is indispensable in the pursuit of fair and equitable solutions to the social problems facing the iron and steel industry,

Realising that co-ordinated international action and the implementation of social measures could be important instruments for the protection of steelworkers;

Adopts this eleventh day of December 1986 the following resolution:

The Iron and Steel Committee invites the Governing Body of the International Labour Office:

1. to request the Director-General to encourage international co-operation in the iron and steel industry by developing ILO activities along the following lines:
 - (a) analysing the major effects of employment policies and social measures applied during restructuring, as affected by steel capacity and consumption and changes in the world steel market, so that appropriate social solutions may be found in all countries;
 - (b) studying the training needs of steelworkers and the qualification requirements of steel companies;
 - (c) evaluating the impact of new technologies and increased productivity on the steelworkers to promote equitable conditions of employment;
2. to request the Director-General to convene a tripartite meeting of experts to work out or promote practical projects in the above-mentioned fields for the development of international co-operation.

Resolution (No. 93) concerning the Creation of Alternative Employment in Steel-producing Regions²

The Iron and Steel Committee of the International Labour Organisation,
Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986,

¹ Adopted by consensus.

² Unanimously adopted.

Noting that the General Report deals with several aspects of employment, and in particular noting that one of two main themes chosen to receive special attention by the delegates to the Eleventh Session of the Iron and Steel Committee is: "The labour and social consequences of the restructuring of the iron and steel industry: past experience and proposals for the future",

Deeply concerned about the serious economic and social effects of the structural change in the iron and steel industry in many countries,

Noting the social responsibility on the part of the industry as well as other elements in society in alleviating these effects;

Adopts this eleventh day of December 1986 the following resolution:

The Iron and Steel Committee invites the Governing Body of the International Labour Office to request governments:

1. to encourage employers' and workers organisations in the iron and steel industry and in other economic activities in their country to make their contribution to regional redevelopment by:

- (a) co-operating in a common effort to search for other employment opportunities and to initiate programmes for the creation of such alternative employment;
- (b) providing training, retraining and skill development to redundant workers to enable them to find suitable new employment;

2. to invite employers in particular:

- (a) to continue special efforts in the research and development of new products within the industry;
- (b) to make available, as far as possible, their expertise in the field of research, know-how, planning and management experience for specific job-creation projects and other initiatives for the revitalisation of the region.

Resolution (No. 94) concerning Freedom of Association and Trade Union Rights in the Iron and Steel Industry¹

The Iron and Steel Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986,

Recalling that freedom of association is a right enshrined in the Constitution of the ILO and codified in a number of basic ILO Conventions,

Noting with concern that in a large number of countries in all parts of the world there have been many serious violations of freedom of association and trade union rights in recent years, and that these violations have severely restricted the rights of workers and employers and their respective organisations in all sectors including the iron and steel industry,

Reaffirming the necessity for the strict implementation of the principles of freedom of association and trade union rights in law as well as in practice;

Adopts this eleventh day of December 1986 the following resolution:

The Iron and Steel Committee invites the Governing Body of the International Labour Office:

1. to urge member States which have not done so to ratify and implement the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Workers' Representatives Convention, 1971 (No. 135), and to request all member States to co-operate fully with the supervisory machinery of the ILO with a view to ensuring their effective implementation, and to give full effect to the relevant paragraphs of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

2. to request the Director-General:

- (a) to use all ILO means of action for the protection and promotion of freedom of association and trade union rights and intervene as a matter of urgency when the survival

¹ Unanimously adopted.

of employers' and/or workers' organisations and the life of trade unionists and employers is in danger;

- (b) to give particular attention, in the framework of his general mandate, to the problems in the iron and steel industry regarding freedom of association and trade union rights;
- (c) to promote freedom of association in ILO technical co-operation programmes and projects related to the iron and steel industry, as well as in projects carried out with other organisations and agencies;
- (d) to report to the next session of the Iron and Steel Committee on the implementation of the principles of freedom of association and trade union rights in the iron and steel industry.

Resolution (No. 95) concerning the Agenda of the Twelfth Session of the Iron and Steel Committee¹

The Iron and Steel Committee of the International Labour Organisation,
Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986;
Adopts this eleventh day of December 1986 the following resolution:

The Iron and Steel Committee invites the Governing Body of the International Labour Office:

1. to consider the following two points to be included as technical items of the Twelfth Session of the Iron and Steel Committee:

- (a) vocational training, retraining and skill development in the iron and steel industry, and the role of governments, employers' and workers' organisations;
- (b) the effects of technology on employment in the iron and steel industry, especially in developing countries;

2. to examine the feasibility of convening the Twelfth Session of the Iron and Steel Committee as early as possible.

Resolution (No. 96) concerning the Definition of the Iron and Steel Industry¹

The Iron and Steel Committee of the International Labour Organisation,
Having met in Geneva, in its Eleventh Session, from 3 to 11 December 1986,

Recognising that due to the rapid advance of new technologies, considerable changes have taken place in the iron and steelmaking process which make it appropriate to update Resolution No. 16 (1947);

Adopts this eleventh day of December 1986 the following resolution:

The Iron and Steel Committee invites the Governing Body of the International Labour Office to examine the need for changing the scope of the sector when the new composition of the Committee is decided and to seek the views of all sectors of the iron and steel industry.

Classification of the Conclusions and Resolutions Adopted by the Iron and Steel Committee at Its Previous Sessions^{1,2}

Section I: Conclusions and resolutions, or parts thereof, calling for action in the different countries

Group A: Conclusions and resolutions, or parts thereof, which are no longer of current concern

No. 21 Resolution concerning co-operation at the industry level in the iron and steel industry (paragraphs (b), (c), (d)) (Second Session).

¹ Unanimously adopted.

² The following texts are outdated, superseded or implemented, or have already been regarded as obsolete at previous sessions of the Committee and are eliminated from the classification: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 49, 50, 51, 52, 55, 56, 58, 59, 60, 61, 63, 64, 66, 67, 70, 71 and 74.

- No. 30 Resolution concerning vocational training and upgrading in the iron and steel industry (Fourth Session).
- No. 31 Resolution concerning welfare services in the iron and steel industry (Fourth Session).
- No. 35 Model statistical table for the iron and steel industry (Fourth Session).

Group B: Conclusions and resolutions, or parts thereof, which for the time being would not appear to call for further information

- No. 21 Resolution concerning co-operation at the industry level in the iron and steel industry (paragraph (a) (Second Session).
- No. 47 Resolution concerning the promotion of safety in the iron and steel industry (Sixth Session).
- No. 54 Conclusions concerning the scope and methods of collective bargaining in the iron and steel industry (paragraphs 1–22) (Seventh Session).
- No. 65 Conclusions concerning wage protection and income security for workers in the iron and steel industry (Eighth Session).

Group C: Conclusions and resolutions, or parts thereof, on which further information is considered desirable

- No. 42 Conclusions concerning supplementary pension schemes in the iron and steel industry (Fifth Session).
- No. 48 Memorandum concerning conditions of work and social problems in the iron and steel industry in countries in the course of industrialisation (Sixth Session).
- No. 53 Conclusions concerning technological developments and their influence on the structure of remuneration, organisation of work and safety in the iron and steel plants (paragraphs 1–23) (Seventh Session).
- No. 80 Resolution concerning freedom of association and trade union rights in the iron and steel industry (Ninth Session).
- No. 81 Conclusions concerning the establishment of iron and steel industries in developing countries and its impact on training and the developments of skill (paragraphs 1–23) (Tenth Session).
- No. 82 Conclusions concerning the improvement of working conditions and working environment in the iron and steel industry (paragraphs 1–29) (Tenth Session).
- No. 83 Resolution concerning reporting on social problems arising from investments, markets and technological development and the social and employment policies required (paragraph 2) (Tenth Session).
- No. 84 Resolution concerning the need for appropriate involvement of workers' organisations in the planning and implementation of social policies in the iron and steel industry (Tenth Session).

Section II: Conclusions and resolutions, or parts thereof, to which effect is to be given mainly by the Office

Group A: Conclusions and resolutions, or parts thereof, which are no longer of current concern to the Office

- No. 34 Resolution concerning the effect given to the conclusions adopted by the Iron and Steel Committee at its previous sessions (Fourth Session).
- No. 87 Resolution concerning future work of the International Labour Office and the agenda of the Eleventh Session of the Iron and Steel Committee (Tenth Session).

Group B: Conclusions and resolutions, or parts thereof, which should continue to receive the attention of the Office

- No. 53 Conclusions concerning technological developments and their influence on the structure of remuneration, organisation of work and safety in iron and steel plants (paragraph 24) (Seventh Session).

- No. 54 Conclusions concerning the scope and methods of collective bargaining in the iron and steel industry (paragraph 23) (Seventh Session).
- No. 57 Resolution concerning tripartite action regarding vocational training in the iron and steel industry (paragraph 4) (Seventh Session).
- No. 62 Resolution concerning psychological and mental strain in iron and steelwork (Seventh Session).
- No. 68 Resolution concerning statistical and other relevant data and documents on legislative and contractual measures protecting workers in the iron and steel industry against the effect of technical change (Eighth Session).
- No. 69 Resolution concerning an employment programme (Eighth Session).
- No. 72 Conclusions concerning the forecasting of manpower requirements in the iron and steel industry and its significance for the recruitment and vocational training of the industry's labour force (Ninth Session).
- No. 73 Conclusions concerning working environment in the iron and steel industry (Ninth Session).
- No. 75 Resolution concerning employment and income security in the iron and steel industry (Ninth Session).
- No. 76 Resolution concerning the reduction of working time (Ninth Session).
- No. 77 Resolution concerning multinational enterprises in the iron and steel industry (Ninth Session).
- No. 78 Resolution concerning shift work in the iron and steel industry (Ninth Session).
- No. 79 Resolution concerning the social infrastructure in the establishment of iron and steelworks in developing countries (Ninth Session).
- No. 80 Resolution concerning freedom of association and trade union rights in the iron and steel industry (Ninth Session).
- No. 81 Conclusions concerning the establishment of iron and steel industries in developing countries and its impact on training and the development of skills (paragraphs 24–26) (Tenth Session).
- No. 82 Conclusions concerning the improvement of working conditions and working environment in the iron and steel industry (paragraphs 30–35) (Tenth Session).
- No. 83 Resolution concerning reporting on social problems arising from investments, markets and technological development and the social and employment policies required (paragraph 3) (Tenth Session).
- No. 85 Resolution concerning multinational enterprises in the iron and steel industry (Tenth Session).
- No. 86 Resolution concerning the frequency of meetings on problems in the iron and steel industry (Tenth Session).

Amendments to the Regulations of the International Institute for Labour Studies¹

ARTICLE II The Board of the Institute

[1. There shall be a Board of the Institute which shall prepare the programme for the Institute. The programme shall be submitted to the Governing Body for endorsement.]

[2.] 1. *There shall be a Board of the Institute which shall consist of —*

(a) . . .

(b) [six] *twelve* members to be appointed by the Governing Body from among its own members, [two] *four* from each of the three groups, for terms of up to three years concurrently with their membership of the Governing Body;

(c) [five] *ten* members to be appointed by the Governing Body for terms of three years from among persons [of outstanding international experience] having a *profound* knowledge of [educational and] labour and social questions, *development problems and substantial experience of research and education acquired at institutions specialised in these fields*, who are not members of the Governing Body; *none of these members may serve on the Board for longer than six years consecutively*;

(d) . . .

[3.] 2. The Board may appoint an Executive Committee from among its members and empower this Committee to transact certain business on behalf of the Board. At least three members of the Governing Body who are members of the Board, one from each group, shall be included in the Executive Committee in addition to such other of its members as the Board may appoint. The Director-General of the International Labour Office shall be Chairman of the Executive Committee *and shall convene it as required*.

[5.] 3. The Secretary-General of the United Nations and the Director-General of the United Nations Educational, Scientific and Cultural Organisation shall be invited to appoint representatives to express their views and to participate, without vote, in the deliberations of the Board [and its Executive Committee. Other public international organisations may be invited to participate, without vote, in the deliberations of the Board or the Executive Committee on occasions when matters of interest to these organisations are to be discussed]. *Representatives of other international institutions specialising in development problems, law, economics and labour and social questions, which carry out activities and have members in a large number of States Members of the ILO, may be invited to participate, without vote, in the deliberations of the Board on occasions when matters of interest to these institutions are to be discussed*.

4. [The Director-General of the International Labour Office shall convene the Board or its Executive Committee as required.] *The Board of the Institute shall in principle meet once a year; it shall be convened by the Director-General of the International Labour Office*.

[7.] 5. *The Board of the Institute shall prepare the programme for the Institute which shall be submitted to the Governing Body for endorsement and shall in addition present to the Governing Body each year a report on the work of the Institute*.

[8.] 6. The Board shall examine budget proposals submitted to it by the Director and shall prepare the [annual] budget of the Institute which shall be transmitted to the Governing Body for final approval.

[6.] 7. The Director of the Institute shall be Secretary of the Board *and of the Executive Committee*.

ARTICLE III AND ARTICLE VII

Article III, *Advisory Committee* and Article VII, *Transitional provisions*, are deleted.

¹ Adopted by the Governing Body at its 236th Session (May 1987). The words to be deleted appear in square brackets; changes and additions are in italics.

Agreement between the International Labour Organisation and the United Nations Industrial Development Organization¹

Article 1

Co-operation and consultation

1. The International Labour Organisation (hereinafter referred to as the ILO) and the United Nations Industrial Development Organization (hereinafter referred to as UNIDO) agree that, with a view to facilitating the effective attainment of the objectives set forth in their respective constitutional instruments, within the general framework established by the Charter of the United Nations, they shall recognise their respective spheres of competence. They shall act in close co-operation with each other and they shall consult with each other regularly in regard to matters of common interest.

2. The ILO and UNIDO recognise that their activities in relation to industrial development are complementary to each other and call for close and continuing co-operation, according to detailed arrangements to be agreed upon in the light of the operating experience of the two organisations.

3. The ILO and UNIDO shall keep each other fully informed of programmes and activities which they propose to initiate on subjects in which the other organisation has or may have a substantive interest.

Article 2

Reciprocal representation

1. Representatives of the ILO shall be invited to attend the sessions of the General Conference of UNIDO and its Committees, sessions of the Industrial Development Board and its Committees and other meetings convened under the auspices of UNIDO which consider matters in which the ILO has an interest, and to participate without the right to vote in the deliberations of these bodies on matters of particular concern to the ILO.

2. Representatives of UNIDO shall be invited to attend the sessions of the International Labour Conference and its Committees, of the Governing Body of the International Labour Office and its Committees and other meetings convened under the auspices of the ILO which consider matters in which UNIDO has an interest, and to participate without the right to vote in the deliberations of these bodies on matters of particular concern to UNIDO.

Article 3

Exchange of information, data and documents

Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information, data and documents shall be made between the ILO and UNIDO.

Article 4

Co-operation between secretariats

The International Labour Office and the Secretariat of UNIDO shall maintain a close working relationship in accordance with such arrangements as may have been agreed upon from time to time by the Directors-General of the International Labour Office and UNIDO.

¹ The Agreement came to force on 14 September 1987.

Article 5

ILO/UNIDO joint committees

1. The ILO and UNIDO may refer to a joint committee any question of common interest which it may appear desirable to refer to such a committee.
2. Any such joint committee shall consist of representatives appointed by each organisation, the number to be appointed by each being decided by agreement between the two organisations.
3. The reports of any such joint committee shall be submitted to the Directors-General of the International Labour Office and UNIDO for further action, as appropriate.
4. Unless otherwise agreed the cost of preparations for and the holding of meetings of such joint committees shall be shared equally between the two organisations.

Article 6

Statistical services

1. The ILO and UNIDO agree to strive, within the framework of the general arrangements for statistical co-operation made by the United Nations, for maximum co-operation with a view to the most efficient use of their technical personnel in their respective collection, analysis, publication, standardisation, improvement and dissemination of statistical information. They recognise the desirability of avoiding duplication in the collection of statistical information whenever it is practicable for either of them to utilise information or materials which the other may have available or may be specially qualified and prepared to collect, and agree to combine their efforts to secure the greatest possible usefulness and utilisation of statistical information and to minimise the burdens placed upon national governments and other organisations from which such information may be collected.
2. The ILO and UNIDO agree to keep each other informed of their work in the field of statistics and to consult each other in regard to all statistical projects dealing with matters of common interest.

Article 7

Financing of special services

If compliance with a request for assistance made by either organisation to the other would involve substantial expenditure for the organisation complying with the request, consultation shall take place with a view to determining the most equitable manner of meeting such expenditure.

Article 8

Personnel arrangements

Within the framework of general inter-agency arrangements for co-operation in regard to personnel matters under United Nations auspices, the ILO and UNIDO agree to co-operate to facilitate the interchange, loan or secondment of staff with protection of the seniority, pension and other rights of the personnel concerned and to promote efficiency and effective co-ordination of their respective activities, including measures to avoid duplication of entitlements where the spouse of a staff member of one organisation is employed by the other.

Article 9

Implementation of the Agreement

The Directors-General of the International Labour Office and UNIDO may enter into such arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organisations.

Article 10

Revision and termination

1. This Agreement shall be subject to revision by agreement between the ILO and UNIDO, in accordance with their respective constitutional procedures.

2. This Agreement may be terminated by mutual agreement or may be denounced by either party on 31 December of any year by written notice given to the other party no later than 30 June of that year.

3. Notwithstanding the expiry of a notice of termination, the parties agree that the provisions of this Agreement shall remain in full force to the extent necessary to permit the orderly conclusion of any activity undertaken pursuant to this Agreement.

Article 11

Notification to the United Nations and filing and recording

1. In accordance with their respective Agreements with the United Nations, the ILO and UNIDO shall inform the United Nations forthwith of the terms of the present Agreement.

2. On the coming into force of the present Agreement in accordance with the provisions of Article 12, it shall be communicated to the Secretary-General of the United Nations for filing and recording.

Article 12

Entry into force

This Agreement shall enter into force upon approval by the Governing Body of the International Labour Office and the Industrial Development Board of the United Nations Industrial Development Organization and signature by the Directors-General of the International Labour Office and UNIDO respectively.

IN WITNESS WHEREOF, the Director-General of the International Labour Office and the Director-General of the United Nations Industrial Development Organization have affixed their signatures to two authentic texts of this Agreement in English and French each, the texts in English and French being equally authoritative.

Done at Paris on 14 September, 1987.

(Signed) Francis BLANCHARD
Director-General,
International Labour Office.

(Signed) Domingo L. SIAZON, Jr.
Director-General,
United Nations Industrial
Development Organization.