INTERNATIONAL LABOUR CONFERENCE

EIGHTY-EIGHTH SESSION
GENEVA, 2000

RECORD OF PROCEEDINGS

VOLUME II: PROVISIONAL RECORD
Nos. 23-27
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INTERNATIONAL LABOUR OFFICE
GENEVA
Corrigenda

88th Session of the International Labour Conference, May-June 2000

Provisional Record No. 10

Page 10/1 (The Secretary-General’s speech), second column, fourth paragraph, the second sentence should read: “And I can assure you after living for nine years in the United Nations in New York that if you take a resolution approved at the General Assembly and you hand it to somebody, a normal person, they will understand very little of it.”

Page 10/4, first column, penultimate paragraph, first sentence: replace the word “other” by “better”.

Page 10/5, the beginning of the first paragraph should read: “In addition to the organization of small enterprises in the informal sector – which practically does not exist...” Fourth paragraph, last sentence: replace “assume that” by “tackle”. Fifth paragraph, the second sentence should read: “I use the word “actors” because you sometimes look at the way institutions operate and it would seem that, rather than operating as a team, we are representing our own institutions.”

Page 10/13 (Mr. Mannan’s speech), first column, first full paragraph, second sentence: replace “government” by “garment”.

Provisional Record No. 11

Page 11/8 (Mr. Khan’s speech), first column, first full paragraph, second and fourth sentences: delete the word “unique”.

Page 11/10, first column: at the beginning of the speech, Mr. Mendoça e Moura should be referred to as: “(Government delegate, Portugal)”. In the second line of the first paragraph, add “member States of the” after “on behalf of”. The first sentence of the second paragraph should read as follows: “This Report concerns the right of freedom of association and the effective recognition of the right to collective bargaining.” The fourth sentence should read: “For this follow-up mechanism to fulfil its objectives of promoting fundamental rights, this Report should be examined at a high political level.” In the last sentence, after “Conference” add the words: “and comments should be taken into account”. In the second column, second line: replace “with the participation of” by “and the degree of participation of”. In the third line: replace the words “We would like the reports following” by “We would like future reports to”. In the sixth line, replace “obligate” by “involve”.

Page 11/25 (Mr. Sweeney’s speech), second column, after the words “follow-up process” a second sentence should be added: “I appreciate the remarks of our Secretary of Labor, Alexis Herman, a few minutes ago.”

Page 11/30 (Ms. Coletti’s speech), second column, first sentence: after the word “mention” add “- Bulgaria”.

Provisional Record No. 14

Page 14/7 (Mr. Potter’s speech), first column, last paragraph of the speech, the first two sentences should read: “Finally, I would like to pay homage to two Americans, one a worker and the other an employer, who died with the ILO in their hearts. Edward J. Hickey, Jr., who passed away earlier this year, served on the Committee on the Application of Conventions and Recommendations for 30 years. In the penultimate line: replace “Kickey” by “Hickey”.

Provisional Record No. 18

Page 18/5 (Mr. Kohli’s speech), first column, third paragraph, third line: replace “25 per cent” by “75 per cent”.
Provisional Record No. 19

Page 19/27, paragraph 189: replace the last sentence with the following text: “The speaker added that the text of the resolution as regards the appropriate measures to respect and promote the principles of the ILO Declaration should be understood in the light of the provisions of the Declaration itself which, on the one hand, affirmed the role of the ILO in providing technical assistance and, on the other hand, recognized the special conditions of each country.”

Provisional Record No. 22

Page 22/8 (Mr. Lamprecht’s speech) first column, penultimate paragraph, seventh line: after the word “through” add “also.”
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PROVISIONAL RECORD
Third Item on the Agenda: Information and Reports on the Application of Conventions and Recommendations

Report of the Committee on the Application of Standards

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Report of the Committee on the Application of Standards

PART ONE

GENERAL REPORT

A. Introduction

1. In accordance with article 7 of the Standing Orders, the Conference set up a Committee to consider and report on item III on the agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of 227 members (116 Government members, 17 Employer members and 94 Worker members). It also included 13 Government deputy members, 54 Employer deputy members and 97 Worker deputy members. In addition, 33 international non-governmental organizations were represented by observers.

2. The Committee elected its Officers as follows:

   Chairperson: Mr. P. van der Heijden (Government member, Netherlands);
   Vice-Chairpersons: Mr. A. Wisskirchen (Employer member, Germany); and Mr. L. Cortebeeck (Worker member, Belgium);
   Reporter: Ms. J. Misner (Government member, United States).

3. The Committee held 17 sittings.

4. In accordance with its terms of reference, the Committee considered the following: (i) information supplied under article 19 of the Constitution on the submission to the competent authorities of Conventions and Recommendations adopted by the Conference; (ii) reports supplied under articles 22 and 35 of the Constitution on the application of ratified Conventions; and (iii) reports requested by the Governing Body under article 19 of the Constitution on the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).

5. As usual, the Committee began its work with a discussion of general aspects of the application of Conventions (particularly ratified Conventions) and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution. It then discussed the General Survey carried out by the Committee of Experts on the Application of Conventions and Recommendations, dealing with tripartite consultations. As usual, the Committee finally considered various individual cases relating

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1 For changes in the composition of the Committee, refer to the reports of the Selection Committee, Provisional Record Nos. 6-1 to 6-1K.

to the application of ratified Conventions or compliance with the obligations to supply reports and to submit Conventions and Recommendations to the competent national authorities.

6. The examination of those cases, which is the essential work of the Committee, was based principally on the observations contained in the report of the Committee of Experts and the oral and written explanations provided by the governments concerned. The Committee also referred to its discussions in previous years, comments received from employers’ or workers’ organizations and, where appropriate, the reports of other supervisory bodies of the ILO and other international organizations. In view of the short time available, the Committee made a selection among the Committee of Experts’ observations and thus discussed a limited number of cases. The Committee trusts that those governments will pay close attention to the requests of the Committee of Experts and will not fail to take the measures required to ensure fulfilment of the obligations they have undertaken. A summary of the information supplied by governments, the discussions in the present Committee and any conclusions it has drawn are set out in Part Two of this report.

7. The Worker members approved the draft list of individual cases, following a lengthy discussion within the Workers’ group. The choosing of priority cases for discussion was always a difficult exercise given the time constraints and the great number of difficulties in applying standards in all the regions of the world. While noting that certain Government members wanted greater transparency in the preparation of this list, they nevertheless considered that while transparency was necessary, an impartial choice of cases was equally important. In this regard, the Worker members recalled the criteria applied to choosing individual cases, namely the content and substance of cases; the nature of observations by the Committee of Experts; the footnotes in the report of the Committee of Experts requesting governments to provide information to the Conference; the extent to which governments responded to these requests as well as the quality of responses reproduced in the report or the absence of responses; the discussions and conclusions of the Conference Committee’s previous sessions; the observations made by the employers’ and workers’ organizations; the reports of the other supervisory bodies of the ILO and of other international organizations; recent developments in the field; and the statements made by the Worker members at the time of adopting the list of individual cases the previous year. The search for an equilibrium among the regions and the different Conventions was a further criterion for consideration. While it was important to discuss the application of fundamental Conventions, it was equally important to examine the problems encountered and new developments in applying the so-called technical Conventions.

8. The Worker members directed a number of important comments to the Committee of Experts, the Office, the governments concerned and the Conference Committee. They expressed a very clear wish to discuss certain cases next year, unless positive developments in these cases had been observed in the interim, and indicated that the Committee of Experts’ report for 2001 should include the following eight cases for re-examination: Indonesia, in regard to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the difficulties encountered in applying Convention No. 98 in light of the disquiet engendered by acts of anti-union discrimination, military intervention in social conflicts and the enactment of anti-terrorist legislation. It was noted with interest, however, that legislation was being drafted to give effect to Conventions Nos. 87 and 98 and it was hoped that, once enacted, it would give full effect to these Conventions. Chile, in regard to the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), and the importance of the technical Conventions and of old-age insurance, which was the essence of this Convention. Violations of employer obligations, malfunctioning of the inspection services and the system supervising payment of social security contributions and benefits and the growing trend to privatize old-age pension funds were also areas of
particular concern. The Governing Body had examined a representation concerning the privatization of an old-age pension fund and mandated the Committee of Experts to monitor developments. Old-age insurance provided an essential safety net to ensure a decent life for those who were no longer working or able to work. Pakistan, in regard to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the unacceptable situation of workers who still did not enjoy freedom of association either because of their place of work or their functions, which violated Convention No. 87. The non-respect of the right of freedom of association for workers in export processing zones had already been the subject of long debates in the Conference Committee, which had always insisted, as had the Committee of Experts in their comments on Pakistan, "that the provisions of this Convention should apply to all workers, without distinction whatsoever, including workers in export processing zones". The changes announced by the Government of Pakistan with regard to the situations examined by the Committee of Experts were awaited with great interest. Peru, in respect of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the problems arising out of anti-union discrimination and the non-observance of the right to collective bargaining. The criteria used by the Government to decide whether a union was competent to conclude collective agreements were excessively strict and in contravention of the Convention, as were the legal provisions allowing an employer to modify unilaterally the terms of a collective agreement. The Committee of Experts had requested the Government to forward a detailed report this year, which would be examined with great attention, since there should be a rapid improvement in the situation. Costa Rica, in regard to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), anti-union discrimination and the refusal to grant public servants the right to collective bargaining. In fact, it was almost impossible for workers employed in the private sector, particularly in the banana plantations or export processing zones, to establish or join a trade union. The Constitutional Court had recently declared that collective agreements concluded in the public sector at national and municipal levels violated the Constitution. Japan, in respect of the Equal Remuneration Convention, 1951 (No. 100). Following the recent enactment of legislation on equality, it was necessary to monitor the developments with regard to equal remuneration and the comments of the Committee of Experts in this regard. Kenya, in regard to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the right of public employees to collective bargaining, the Government’s refusal to register the Kenya Civil Servants Union in 1980, as well as its refusal to register the Kenya Medical Practitioners and Dentists Union, the University Academic Staff, and the All Cadre Nurses Union of Kenya. Myanmar (Burma), in regard to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The case of Myanmar had not been included in the list of individual cases in the hope that the procedures under way as well as the discussion on forced labour in Myanmar in the Selection Committee of this Conference, would produce significant results. The various problems encountered in Myanmar in applying the Conventions were interconnected and it was hoped that the Government would adopt the necessary measures to ensure compliance with international labour standards. Freedom of association, without which workers could not expect to see an improvement in their situation or the abolition of forced labour, was neither guaranteed nor possible. Workers were barred from establishing or joining trade unions to defend their interests. It was therefore high time that the Government met its obligations and respected the promises it had made repeatedly.

9. The Worker members insisted on the importance of cooperation by the representatives of governments mentioned in the list. The choice of individual cases to be examined was a very difficult one and it would be regrettable if certain cases were not discussed because the government in question had refused to enter into dialogue with the Committee.
10. The Employer members acknowledged that the list of individual cases to be examined was not a perfect one, that the situation in a number of countries on the list was not urgent and that a number of other countries, with whom the Committee had wished to enter into dialogue, were excluded from this list. Since no predetermined legal criteria existed as to which countries should be included in the list, the Employer members accepted the list as it stood.

11. The Government member of the United States, supported by the Government members of Canada, Denmark (on behalf of the Nordic countries), Germany, Japan and Portugal considered that Government representatives should play a more active role in the selection of individual cases for discussion. The representative of the Secretary-General requested the Committee members to communicate, in the coming weeks and months, their ideas and suggestions to enable an appropriate solution to be found which would satisfy all parties concerned.

B. General questions relating to international labour standards

Introduction: General aspects of the supervisory procedures

12. The Committee welcomed Sir William Douglas, Chairperson of the Committee of Experts. Sir William thanked the Committee, on behalf of the Committee of Experts, for renewing the invitation for him to attend as an observer. On behalf of the Committee of Experts, he emphasized the pivotal role of the Conference Committee in the functioning of the ILO’s supervisory mechanisms in respect of the application of international labour standards. He also recalled that, in carrying out its mandate, the Committee of Experts was guided by the principles of independence, objectivity and impartiality in evaluating the reports and information that it received. However, he observed that its workload under articles 19, 22 and 35 of the Constitution had increased in quantity and complexity as a result of both the greater number of ratifications and the points raised in observations by employers’ and workers’ organizations. The Committee viewed its role in supervising the application of Conventions and Recommendations as its contribution to the ILO’s mission of ensuring the continued relevance of international labour standards. In this spirit, the Committee of Experts, at its own initiative, had reviewed the form and style of its report with the object of maximizing its usefulness for the Conference, the national constituents and the many other bodies and institutions in which it was used. In its present report, the Committee had sought to make its observations more concise, had introduced bold type to highlight references in the text, and made greater use of tables and footnotes. The Committee of Experts hoped that these changes would increase the impact of the report by making it easier to read and understand.

13. The Committee of Experts’ report welcomed the adoption by the International Labour Conference at its 87th Session, in June 1999, of the Worst Forms of Child Labour Convention (No. 182) and Recommendation (No. 190), 1999. The Committee of Experts noted that the new Convention complemented rather than replaced the Conventions governing the minimum age for employment. In this regard, it proposed seeking information on measures such as education policies and adult employment programmes which would contribute to eliminating child labour. It also expressed its intention to request statistical information on child labour from member States.

14. The Committee of Experts had once again referred in its report to the problems encountered in applying the Employment Policy Convention, 1964 (No. 122). During the
discussion on the Convention in the Conference Committee in 1999, the view had been expressed that improvements in the employment situation would only be achieved through the coordination of measures in such areas as economic policy, monetary policy and social policy. In order to evaluate the steps which were being taken at the national level to attain the objectives of the Convention in promoting full, productive and freely chosen employment, the Committee of Experts hoped to receive information regarding the impact of monetary policy, government spending and trade policies. With a view to minimizing the risks to individuals arising out of the opening up of markets, the Committee of Experts concurred with the view expressed in the Conference Committee that adequate safety nets were required, since even the best designed employment policies were not able to guarantee full employment at all times.

15. The Committee of Experts also welcomed the steadily increasing number of observations made by employers’ and workers’ organizations. Such observations should contain sufficient information to allow the Committee of Experts to assess fully the extent of the problem, and to allow the governments concerned to make inquiries and to provide information on their findings. However, it should be recalled that the number of reports received as a percentage of requested reports was far too low and it was a matter of regret that there were still far too many cases of governments failing to reply to the observations and direct requests made by the Committee of Experts.

16. Sir William noted that, in a general observation on the application of the Labour Inspection Convention, 1947 (No. 81), the Committee of Experts had outlined the benefits to be derived by inspection services from cooperation with other bodies and institutions and with employers’ and workers’ organizations. The Committee had urged governments to make the supervision of legal provisions on child labour a priority for the inspection services. Similarly, in a general observation on the application of the Labour Inspection (Agriculture) Convention, 1969 (No. 129), where problems might well be more serious than in the industrial or commercial sectors in view of the lack of legislation governing the agricultural sector and the increase in the use of machines and chemical products, the Committee of Experts had urged governments to direct the activities of the inspection services in such a way as to ensure the protection of children and adolescents working in agriculture and to help establish an educational framework for them.

17. Sir William recalled that the General Survey of the Committee of Experts covered the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152). The survey provided an historical background to the fundamental principle of tripartism and defined the concepts involved and methods for their implementation. It described procedures for consultation and examined difficulties experienced by a number of governments in ratifying this Convention, and had concluded that the obstacles referred to were not substantial. The Committee of Experts hoped that the General Survey would promote the ratification and application of the Convention and the Recommendation by improving understanding of their scope and importance.

18. Sir William considered the convergence of views between the Conference Committee and the Committee of Experts encouraging. A great number of questions raised by the Conference Committee merited careful examination by the Committee of Experts. The comments made with regard to the General Survey would allow a better understanding of the situation in respect of the application of Convention No. 144 at national level. Sir William indicated that he would report to the Committee of Experts on the discussions.

19. Sir William expressed his gratitude to the Conference Committee for inviting him to attend its general discussions as an observer. He also invited the two Vice-Chairpersons of the
Conference Committee to meet with the Committee of Experts for an informal exchange of views during its next session. The Committee repeated the invitation for the Chairperson of the Committee of Experts to attend the general discussion of the Conference Committee next year.

20. The Government member of France, speaking as the Chairperson of the Working Party on Policy regarding the Revision of Standards of the Governing Body Committee on Legal Issues and International Labour Standards (LILS), informed the Committee members, as in previous years, of the progress of the Working Party, as reflected in the document put before the Committee. The Working Party’s mandate had been to review the whole body of standards developed prior to 1985, with the exception of the fundamental standards and the priority standards. The speaker provided detailed information on the decisions taken by the Governing Body. He reflected that in the follow-up to be given to the Committee’s decisions, up-to-date Conventions should be promoted and regrouped by category within the framework of the four strategic objectives of the Organization. If possible and appropriate, they should be consolidated. The existence of any overlapping, inconsistencies or gaps should also be examined. The latter could constitute the subject of new standards. It was also important to carefully prepare the ground for the revisions decided by the Governing Body, taking into account especially the Office document on methods of revision.

21. The Worker members expressed their gratitude to the Chairperson of the Committee of Experts for once again accepting the invitation to take part in the general discussion of the Committee and welcomed the strengthening of dialogue between the two Committees. The Committee of Experts’ report reflected many of the points under discussion in the Conference Committee. Last November, for the second time, the Committee of Experts had extended an invitation to the Employer and Worker Vice-Chairpersons of the Committee to be present at its session. The Committee of Experts had therefore been able to acquaint itself with the priorities and concerns of the Worker members. The second part of the Committee of Experts’ report also reflected important elements of the Committee’s discussion and conclusions regarding individual cases. These references were particularly useful in following up commitments made by governments on certain specific points during the Conference Committee. The report also dealt with observations regarding individual cases which, during the previous session, the Worker members had considered merited examination again this year. Moreover, he again emphasized the importance of the complementary nature of the two Committees.

22. The Worker members noted that the principles and working methods of the Committee of Experts were clearly set out in paragraphs 5 et seq. of its report. The Committee had referred to the need to carry out “a review of its own working methods and of the way its report is presented”. While appreciating the very real efforts undertaken to increase the transparency and legibility of the Committee of Experts’ report, due regard should nevertheless be given to its objective, namely to present a legal and technical analysis which meant that it could not be oversimplified. The report should therefore remain true to its objectives so that it would continue to serve as a basis for discussions in the Conference Committee.

23. The Employer members welcomed Mr. Cortebeeck, who had succeeded Mr. Peirens as spokesperson for the Worker members. They also noted the new presentation of the report of the Committee of Experts, particularly the more detailed index, an increase in the number of tables, and the typographical improvements, all of which had improved its legibility. The Employer members also noted with interest that this year’s report was considerably shorter than previous years, particularly that of 1999.
24. The Employer members considered that even though some of the statements which would be made to the Conference Committee could be qualified as political in nature, it was nevertheless important to emphasize that the Conference Committee did not have a political function. Indeed, its core functions were set out very clearly in article 7 of the Standing Orders of the Conference, according to which the Committee examined the extent to which member States fulfilled their obligations under the Constitution and, in particular, those deriving from the ratification of Conventions. This task corresponded to that of the Committee of Experts, which had been set up by the Governing Body for that specific purpose, and consisted of conducting a purely legal assessment of the situation regarding the application of standards. Both bodies dealt with the same legal questions and, as emphasized in the report of the Committee of Experts each year, needed to do so respecting the principles of independence, objectivity and impartiality. Were their tasks not carried out in this way, it would be impossible to determine whether a member State had fulfilled its internationally agreed obligations. Even though statements might contain political overtones, particularly in the examination of individual cases, this should not detract from the legal core of the work of the Conference Committee. Good cooperation was required between the Conference Committee, part of the International Labour Conference – the highest authority, and the Committee of Experts. The Employer members not only again welcomed the presence of Sir William Douglas in the Conference Committee’s general discussions but also the invitation extended to the two Vice-Chairpersons of the Conference Committee to hold informal discussions with the Committee of Experts. It was normal in legal matters that the two bodies might not be in complete agreement on every issue and, moreover, that the application of legal criteria in national legal systems worldwide could not be worked out as simply as seeking a solution to a mathematical problem.

25. The Employer members noted the statement by the Committee of Experts concerning its intention to present its reports in future in a more accessible style and a form which would be easier to read and comprehend. They emphasized that the comprehensible presentation of the report was not merely a question of language but of the legal working methods or tools which were used to carry out the necessary analysis and the results achieved by the process. This in turn raised the question of applying Conventions in vastly differing circumstances. Emphasis therefore needed to be placed on the essential objectives of each particular standard and, in the case of minimum social and labour standards, it was necessary to determine their basic protective objective, including their underlying principles, which would also enable the scope of each standard’s application to be limited. When developing such standards, the ILO should seek inspiration from national legislators, who developed abstract laws on the basis of concrete situations. The same standard had to cover very different ways of life and realities. However, the Employer members warned against extending the scope of certain provisions by the interpretation and jurisprudence which evolved year by year to take account of particular circumstances, which had not been intended by the original drafters of the standard. This approach would result in standards becoming ever more far-reaching. These were issues of prime importance, not merely questions of language or legal presentation, and concerned the working methods and legal tools to be applied. The Conference Committee had to apply international law and, in addition to the unwritten rules of international customary law, pay particular attention to the provisions of the Vienna Convention on the Law of Treaties. The Committee of Experts had rightly referred to the application of the standards and principles some years ago. Only when all the supervisory bodies fully respected these principles could the danger of over-interpretation be avoided. Over-interpretation ran the very real risk of considerably reducing the readiness of member States to ratify ILO Conventions.

26. The Employer members remarked that, although the report of the Committee of Experts did not include a specific section on social dialogue, the spirit of social dialogue was, of
course, an important part of its work and that of the Conference Committee. Even if agreement were not reached on all matters, social dialogue was the business of everyone in the Committee out of a sense of social responsibility for all concerned.

27. Several Government members (Belgium, Cuba, Germany, Guatemala, Lebanon, the Philippines, Portugal and the United Kingdom) commended the Committee of Experts on its work and, in particular, on the quality of its report. A number of Government representatives commented on the improved presentation of the report as well as the Committee of Experts’ intention to review its working methods. The Government member of Cuba invited the Committee of Experts to continue to embrace the principles of independence, objectivity and impartiality which, in the opinion of the Government member of Portugal, it had again demonstrated in its report. The Government member of the Philippines noted the complementary roles played by the Committee of Experts and the Conference Committee, and stressed that the presence of the Chairperson of the Committee of Experts was a guarantee of the spirit of mutual respect, cooperation and responsibility which should prevail between the two bodies. The Government member of Germany noted a number of innovations in the report of the Committee of Experts with regard to both form and substance. The report only contained four cases with a footnote requesting the concerned governments to provide information to the International Labour Conference and that this was a considerable reduction of such cases from previous years. He further noted that, unlike previous years, the report did not deal with issues not directly linked to the examination of individual cases, such as the issue of whether or not the non-observance of standards would lead to sanctions. The Government member of India suggested that internal interpretations of the text of Conventions should be avoided.

28. Certain Worker members (Germany, the Netherlands and the United Kingdom) referred to the statements made by the Employer members in respect of the tasks of the Committee of Experts and the Conference Committee as well as the so-called “over-interpretation” of Conventions. The Worker member of Germany highlighted the different working methods of the two Committees and called for greater cooperation between the Conference Committee and the Committee of Experts. He expressed his disagreement with Employer members who considered that the work of the Committees was of a purely legal nature and recalled that the Conference Committee was composed of representatives of the parties concerned and was not therefore independent; nor did it engage in independent legal analysis. He considered that the essence of the Conference Committee’s work was its moral value. In this context, he also disagreed with the Employer members who sought to limit the work of the supervisory bodies in accordance with the provisions of the Vienna Convention on the Law of Treaties, Article 5 of which provided for its application without prejudice to any relevant rules of the organization, which could only be interpreted in the sense that the rules respecting supervisory systems should prevail. The correctness of this interpretation was also proven by the fact that the ILO supervisory machinery was a complete system in itself. As long ago as 1973, at the request of the ILO, a coordinating committee on international standards had stated that legal provisions should be adopted and supervised by the bodies with the best qualifications in that field. Moreover, with regard to the uniform interpretation of these standards, that committee had concluded that the supervision of international standards should be carried out by the organization which was the most competent in the field concerned. In the field of international labour standards, the ILO was undoubtedly the most competent organization.

29. The Worker member of the Netherlands recalled the expertise of the Committee of Experts in legal matters and pointed out that if a member State felt that it had been a victim of such “over-interpretation”, it could always refer the matter to the International Court of Justice. He dismissed as illogical the Employer members’ argument that standards had become over-complex, rapidly outdated, difficult to ratify and subject to over-interpretation. In this
regard, the Employer members referred to Conventions Nos. 87 and 98, which the Employer members considered to be over-interpreted. However, it was these very Conventions that had had the highest numbers of ratifications. The Worker member pointed out that, on the contrary, the more general a Convention, the more easily it could be applied. Yet those who pleaded for general standards, did not want to see extensive interpretation. The Worker member of the United Kingdom stated that the Employer members were opposed both to relevant new standards and to the development of jurisprudence based on a Convention to cover new and relevant phenomena, even though such jurisprudence had arisen precisely because the richness of tripartite discussion at the Conference had ensured that the principles of the Conventions were enduring, and therefore applicable to new phenomena. An excellent example consisted of the enduring relevance of the Forced Labour Convention, 1930 (No. 29), and its ability to address the recent accelerated growth in the exploitation of prisoners by private companies. Several Worker members, including those of Guatemala, Honduras and Senegal, emphasized the quality of the report and the role played by the Committee of Experts.

30. The Worker members reiterated their appreciation of the effect that the independent, neutral and impartial work carried out by the Committee of Experts had on the effectiveness of the Committee on the Application of Standards’ work and the functioning of the supervisory system. The Committee of Experts’ report formed the basis for the work undertaken by the Committee on the Application of Standards and certainly merited greater attention. Worker members were not calling for the in-depth and serious analysis undertaken by the Committee of Experts to be abandoned in favour of more widespread publicity but, on the contrary, that the Committee on the Application of Standards’ conclusions and the information contained in its report receive the same publicity as that of the other activities undertaken by the ILO.

31. The Employer members, in referring to the Conference Committee’s mandate, stated that they did not wish to embark on what could prove to be a sterile debate. The functions of the Conference Committee were clearly defined in article 7 of the Standing Orders, mandating the Conference Committee to examine the extent to which member States fulfilled their obligations under the Constitution and particularly those arising out of the ratification of Conventions. With regard to the interpretation of Conventions, the Employer members recalled that this question was covered by the Vienna Convention on the Law of Treaties. The application of the Vienna Convention with regard to ILO Conventions had been set out in the General Survey on labour standards on merchant shipping (1990), paragraphs 54 and 244, and Governing Body document GB.256/SC/2/2, paragraph 44. The Employer members wished to clarify this point in response to the statement of the Worker member of Germany that the Vienna Treaty was not applicable to ILO Conventions.

Policy regarding ILO standards

32. The Worker members stressed the importance of the standards policy, highlighting the discussions which had taken place within the Governing Body on the report of the Working Party on Policy regarding the Revision of Standards of the Committee on Legal Issues and International Labour Standards. They noted the positive developments in the revision of standards and also that the Working Party had interacted well with the Conference. The process of the revision and the modernization of the standards system generally was extremely important since it concerned the future of the ILO, which should emerge strengthened and with greater credibility.

33. The Worker members referred to the relevant paragraph of the Committee of Experts’ report regarding developments on the number of ratifications. They recalled the importance they attached to ratifications, which were the basis of the ILO system and its
supervisory mechanisms, and noted the number of ratifications which had been registered between 1 January 1999 and 10 December 1999 (some 115 ratifications in 47 countries, bringing the total to 6,683). They further noted that the report indicated that since the launch of the campaign for the ratification of the ILO’s fundamental Conventions, 150 new ratifications or confirmations of previous ratifications had been registered. While expressing their satisfaction at this large number of ratifications, which had increased even further since the session of the Committee of Experts, the Worker members recalled that ratification in itself was not enough, and that governments were also required to report regularly on the manner in which ratified Conventions were applied.

34. The Worker members recalled that the 1998 Declaration on Fundamental Principles and Rights at Work had been a considerable advance, and stressed that the follow-up to the Declaration would take shape for the first time during this year’s Conference when the Global Report on freedom of association and the right to collective bargaining would be discussed. This was primarily a comprehensive political discussion, which was expected to result in decisions being taken on how the ILO could provide more effective assistance for the application of the fundamental standards. This year’s report of the Committee of Experts contained relatively few comments on this subject. The contents of the Declaration should be followed up very carefully. The Worker members recalled that, on the one hand, the main objective of the Declaration was to promote the principles of the fundamental Conventions and their ratification and, on the other, that it was for the Committee of Experts and the Conference Committee on the Application of Standards, as the supervisory bodies, to examine the application of ratified Conventions. While emphasizing the importance of the follow-up to the Declaration, the Worker members emphasized the role which each body had to play to ensure that the Declaration and its follow-up would be complementary to and not supplant the supervisory system for the application of standards.

35. The Employer members stated that the short paragraph given to the standards policy by the Committee of Experts in their report served only to highlight a fundamental problem, which had been the subject of much discussion within the Organization. The viability, credibility and future of the Organization depended on the development of appropriate solutions to this problem. Until recently, the discussion of policy on standards had been largely dedicated to the question of reviewing existing standards. This was admittedly an important aspect of the problem, since many international labour standards were no longer relevant to the modern world and required revision. Although an amendment to the Constitution had been adopted allowing obsolete Conventions which had been shelved to be abrogated, it had not yet entered into force and, even when it did, might prove difficult to apply. It was indispensable that the standards policy focused on the development of more realistic standards. Reasons abounded for adopting a new approach to developing standards compared to that of recent decades, the most convincing of which was the decline in the number of ratifications during the past 20 years. Consequently, no purpose would be served in taking account of the number of global ratifications since, to a large extent, these ratifications reflected only the fragmentation of unitary States into smaller ones. In the main, these figures actually demonstrated a considerable drop in the number of ratifications of international labour Conventions.

36. The Employer members, referring to the working paper on the revision of international labour standards which summarized the work carried out and the decisions taken, pointed out that at least 76 of the 182 Conventions examined were no longer up to date, were completely out of date or needed revision, which was largely agreed by the ILO’s bodies. Approximately 50 per cent of all Conventions were no longer of relevance to today’s world of work. Discussions on the relevance of Conventions had begun in 1994 and it was now necessary to learn the appropriate lessons for the future. It was no longer desirable to continue mass-producing ILO standards. This did not mean that Employer members were
opposed to the development and adoption of new minimum standards in the future. The objective should be to elaborate better and more useful standards which respond to the needs of the economy and of the world of work. Standards should be adapted to real needs and seek to provide solutions to current problems. Above all, they should be based on a broad consensus. Consequently, the present situation required analysing, without any ideological or political prejudice, in order to identify current trends.

37. The Employer members expressed their conviction that globalization and internationalization were important amongst these trends and that they would certainly be mentioned by many speakers, often in an essentially critical manner. Globalization and internationalization brought both risks and opportunities. Without wishing to enter into an in-depth discussion on the value of globalization, the Employer members felt that rejecting globalization would serve little purpose. Globalization was now a fact of life and efforts should focus on influencing and optimizing its development. From the point of view of the ILO, it was of great importance to draw the appropriate conclusions to guide its policy on standards. In this respect, the emergence of several principal trends simultaneously should be taken into consideration since they could be a reaction to globalization. For example, the phenomena of the increase in individualization and the rejection of very high levels of collectivization went hand in hand with globalization. The ILO should take account of these trends prior to undertaking the adoption of new international standards, and ask itself whether new international standards were necessary. Moreover, new labour standards should include fundamental principles and not details which would be subject to rapid changes. Consideration also had to be given to the current needs of enterprises and workers, as well as to the impact of future standards on employment. New standards should be based on a broad consensus and their objectives should be clearly defined. The various methods and means available to achieve the desired objectives should also be explored rather than only through the setting of standards (campaigns to raise public awareness, declarations, codes of conduct and technical assistance). One option might be the development of trial standards, in force for a limited period only, at the end of which it would be possible to analyse their effectiveness and whether their objectives had been achieved.

38. The Employer members stressed that, prior to elaborating new standards, it was important to give consideration to the legal consequences and the long-term impact of international standards. Due consideration should also be given to the practical effects and economic impact of new international labour standards. The ILO should therefore adopt a new approach compared to that of previous years when rigid detailed and complex international instruments had been elaborated. Greater flexibility was required through the elaboration of general principles, for example, in the form of a Recommendation, which could be applied with greater specificity at national level. Unless there was a radical change of approach, the consequences would be extremely serious. The number of ratifications by member States would drop and the impact of international labour standards on working conditions would be greatly diminished. Member States and enterprises needed to adapt to changes more rapidly, and because of their worsening situation were increasingly reluctant to adopt rigid international standards. Should the ILO choose to ignore the need to change, it would not only lose contact with the real world but also its credibility and effectiveness.

39. The Employer members considered that in so far as the figures provided by the Committee of Experts concerning the ratification of Conventions were concerned, the overall figures had little meaning. They recalled that the 1999 General Survey had covered two instruments which dealt with migrant workers, whose situation today was radically different from that which had prevailed at the time the instruments were drawn up. These relatively recent instruments had therefore been overtaken by events. Member States would, therefore, be showing a sense of realism and honesty in denouncing Conventions
which were no longer appropriate to the real world. While, in practice, there was little
danger of workers in industrialized countries being exploited, there was a real danger that
applying such standards would impair competitiveness which in turn would impact on
workers. Outdated standards therefore needed to be revised as a matter of urgency.
Moreover, denunciation rates did not reflect the true situation. In many cases, because it
was normally only possible to denounce Conventions every ten years, member States dealt
with Conventions which they considered to be out of date through a process which might
be termed “private denunciation”, whereby they simply ceased to apply the instrument.
Such situations could be recognized from many of the comments made in the report of the
Committee of Experts concerning individual cases.

40. Several Government members (Belgium, Canada, China, Denmark (on behalf of the
Nordic countries), Egypt, Germany, India, the Islamic Republic of Iran, Japan, Kenya, the
Philippines, Portugal, the Russian Federation and Sri Lanka) commented on standards-
related activities in the broad sense, referring variously to the adoption, the revision and
the supervision of standards. The Government member of Germany emphasized the role of
the Working Party on Policy regarding the Revision of Standards. Recalling that standard
setting was one of the most important activities of the ILO, he acknowledged that the
choice of subjects, the working methods of technical committees and the timetable needed
to be modernized. However, he disagreed with the proposal of the Employer members
regarding “trial standards”, which would risk being developed with less exactitude than
“classic” Conventions and Recommendations. Such “trial standards” would lead to
inaccuracies in the legislation drawn up by governments to apply these standards. As
regards the discussion on the possible abrogation of international standards which no
longer responded to the needs of the modern world, the speaker recalled that ratifications
by a number of member States of a certain Convention resulted in a contractual
relationship among the parties, and it was therefore impossible for a third party to abrogate
a Convention against the will of the contracting parties. He hoped that the 1997
constitutional amendment would not come into force. The Government members of
Denmark (on behalf of the Nordic countries) and Egypt referred specifically to the work
and decisions taken with regard to the revision of standards, and the Government member
of Lebanon expressed the hope that the Working Party on Policy regarding the Revision of
Standards would have a positive impact on the standards policy. The Government member
of Kenya expressed support for an urgent and thorough review and the rationalization of
existing standards. The Government member of Belgium, in referring to the standards
policy and the supervisory procedures, recalled that the more a Convention responded to
the realities on the ground, the more it would be respected. The Government member
of the Islamic Republic of Iran emphasized the need for a detailed study on standards and the
standards policy to be able to evaluate their effectiveness and to identify the problems
encountered in ratifying and applying Conventions. He expressed support for the work of
the Committee of Experts and the Conference Committee and trusted that progress could
be achieved in a climate of cooperation, pragmatism and respect. The Government member
of Canada expressed support for a review of ILO normative activities and underlined the
need to follow up on the Working Party on the Revision of Standards.

41. The Government member of India, along with the Asia-Pacific group, expressed his
Government’s support for a comprehensive review of ILO standards in a spirit of
transparency and objectivity. This did not mean that there was an intention to undermine
existing systems to the detriment of the social partners. Such a review should apply to all
ILO standards, consolidate existing standards in accordance with the recommendations
made by the Working Party on the Revision of Standards, and be sufficiently flexible to
respond to the different situations relevant to the new realities. The review should also
include the drawing up of fundamental standards to include basic principles and take the
form of framework Conventions. Regional conferences could play an important role in
developing standards. Improvements to the standard-setting procedure should take the form of an amendment to the ILO Constitution and include a revision of the conditions of entry into force and denunciation of Conventions. The Government member of Sri Lanka, recalling his attachment to the universal application of ILO Conventions, had felt that without deviating from the basic principles contained in ILO standards, certain adjustments could be made to take account of economic structures and cultural differences in different regions, which would create conditions conducive to the effective application of Conventions. A degree of flexibility would encourage the ratifying country to give effect to standards, without undermining the basic principles set out in the Conventions. He proposed a preliminary examination at the regional level of the progress made in the application of standards by member States, based on observations made in the annual report of the Committee of Experts or issues raised by the Standards Department. This would provide a better overview at the regional level before governments were requested to report to the Conference Committee. This examination could be undertaken at national, regional or subregional levels. The Government member of China considered that greater consideration should be given to the diversity of cultural, economic and social conditions amongst member States and suggested that international labour standards should be more flexible to take account of these differences. Governments should play a more active role in both the standard-setting process and the supervisory system, which should be transparent, objective and impartial.

42. The Government member of Japan emphasized the importance of standards and the role played by the ILO, the only organization competent to set standards and supervise their application. Standards could only be accepted where there had been a consensus amongst the majority of member States at the time of their adoption. While the supervisory system promoted respect for standards, there was a need for greater transparency, objectivity and coherence in its procedures, and an urgent review of its standard-setting policy and supervisory mechanisms was required. The Government member of the Philippines emphasized that the ILO was regarded as the social conscience of the world and provided a forum for setting minimum social standards. She referred to the simplification of the supervisory functions and their reorientation, stating that priority should be given to the fundamental Conventions and to those ratified by at least two-thirds of member States. In cases where Conventions had been ratified by fewer than two-thirds of the Members, a ratifying country should be granted more time to bring its legislation into conformity with the Convention.

43. The Government member of Portugal considered that the ILO should continue studying measures to strengthen standards policy and supervisory procedures, which were essential to the attainment of goals leading to decent work. Since 1994, different measures had been examined to promote, strengthen and modernize standards activities. The revision of Conventions and Recommendations should seek to increase the relevance and effectiveness of standards and their universal application without lowering the established level of protection. The Conventions governing hours of work should also be discussed in the Conference to enable these Conventions to provide appropriate responses to current realities and adequate protection to workers employed in the informal sector. The supervisory system was flexible and well structured. The difficulties it encountered appeared to arise not so much out of a need for improvement, however desirable that might be, but rather out of the non-compliance of constitutional obligations in respect of standards, thereby reducing their effectiveness. Only by stepping up the Office's efforts to raise levels of awareness and cooperation could these obstacles be overcome. The Government member of Guatemala fully supported the supervisory procedures which ensured respect for the obligations arising from the ratification of Conventions. The Government member of the Russian Federation supported the opinion of the Members who had called for supervisory procedures to be strengthened and improved.
44. Several Government members (Brazil, China, Denmark (on behalf of the Nordic countries), Egypt, India, Kenya, the Philippines, Portugal and Slovakia) referred to the increase in the number of ratifications following the campaign launched in 1995 to encourage member States to ratify the fundamental Conventions and, in particular, the ratifications by their respective governments. The Committee of Experts had reported that since 1995, over 150 new ratifications of the fundamental Conventions had been registered, and the campaign now covered Convention No. 182 as well. Certain Government members had also referred to the priority Conventions or others ratified by their countries (Kenya and Lebanon) or to difficulties encountered on the progress made in areas covered by Conventions which they had not ratified (India).

45. The Government member of the Islamic Republic of Iran indicated that non-ratification should not automatically be considered a lack of political will, particularly in the case of developing countries, which were frequently confronted with procedural and economic obstacles to ratification. Moreover, the problems of industrialized countries were different from those of developing countries. Developing countries faced difficulties arising out of different cultural, economic and educational parameters and the globalization process, which had its own social impact and which had exacerbated these difficulties. Consequently, the ILO and its bodies should provide extensive technical and moral support to member States that had expressed their commitment to participate in ILO activities. The Government member of Nigeria appealed to the ILO and to all other relevant international agencies to grant special attention to Africa and the other highly indebted developing countries when examining the ratification and application of fundamental Conventions.

46. Several Government members (Belgium, Denmark (on behalf of the Nordic countries), Ethiopia, India and the Philippines) referred to the Declaration on Fundamental Principles and Rights at Work. The Government member of Belgium considered that the supervision of the application of Conventions and the promotional role of the Declaration should, each in their own way, be a source of enrichment. The Government member of India indicated that the most appropriate manner to promote and implement ILO standards was through the ratification of the relevant Conventions, and the Declaration should not be used as an excuse for not ratifying the fundamental Conventions.

47. Several Government members (Cuba, Ethiopia, Lebanon, the Philippines, Singapore, Slovakia) and the Worker member of Pakistan emphasized the importance of social dialogue not only at governmental level but also in the work of the Conference Committee.

48. A number of Worker members (Canada, France, Germany, Greece, Guatemala, Italy, Madagascar, Pakistan, Senegal and Singapore) referred to standards policy, in relation to the comments made by the Employer members concerning the complexity of standards and the difficulty of ratifying them. The Worker member of Senegal recalled that in the absence of its standards system, the ILO would lose its mission in the field of social protection and its humanitarian character in the world of work. The Worker member of France noted that, first and foremost, the ILO was a machine for producing standards, which were the backbone of the Organization and the guarantors of a democratic way of life. The Worker member of Guatemala emphasized that Conventions were fundamental tools which were effective, regardless of how many States ratified them. The Worker member of Madagascar considered that standards had enabled considerable progress to be achieved in improving workers' living conditions and in creating the necessary conditions for the harmonious development of enterprises.

49. The Worker member of Canada, who was spokesperson for the Worker members on the Governing Body Committee on Legal Issues and International Labour Standards (LILS) and also on the Working Party on Policy regarding the Revision of Standards, throughout
the duration of the revision exercise, emphasized that the conclusions of the Working Party had all been based on a tripartite consensus, and that the so-called “obsolete” Conventions continued to protect a large group of workers. These Conventions could not be regarded as obsolete, since a large number of member States bound by these Conventions had still not ratified the new Conventions. Moreover, cases existed where member States had notified ratification of “obsolete” Conventions, even after these Conventions had been revised and new Conventions adopted. As far as the Worker members were concerned, as long as a Convention continued to provide protection to a group of workers it could not be considered as “obsolete” since it still served a purpose. The position of the Workers’ group at the beginning of the exercise to revise ILO standards had been that the revision of Conventions, adopted prior to 1985, should be accompanied by the adoption of new standards and the promotion of up-to-date standards. Experience had shown that Conventions which member States had previously considered as unratifiable had subsequently been ratified by a number of member States following technical assistance to remove the obstacles which had hitherto hindered their ratification. An example was the Minimum Age Convention, 1973 (No. 138), which a number of member States had qualified as lacking flexibility in order to justify their refusal to ratify. In fact, this Convention was one of the most flexible amongst the eight core Conventions and had been ratified by a large number of member States following the ratification campaign launched by the Director-General in 1995. As to the statement that it was not desirable for the ILO to adopt Conventions in a “production line” at the risk of losing credibility and a grip on reality, he questioned the reality alluded to by the Employer members. The only reality which workers were familiar with was that described in page after page of the Committee of Experts’ report and that which confronted workers across the globe, in varying degrees. The singular problem of ILO credibility lay not in ILO standards but rather the Organization’s lack of power to enforce their application. The ILO would not enhance its credibility by adopting standards which did not go beyond existing national legislation in member States, since that would mean that the ILO adopted only standards which could not change existing conditions. The ILO would enhance its credibility when member States amended national legislation and accepted to be bound by their obligations to the millions of workers which they claimed to protect. The Worker member of Colombia expressed concern at the intended abrogation of Conventions and Recommendations which were considered as obsolete and referred, in particular, to the intended revision of the Maternity Protection Convention (Revised), 1952 (No. 103), which had been described as obsolete and as having attracted few ratifications.

50. The Worker member of Germany shared the negative view expressed by the Government member of Germany concerning the proposal by the Employer members to accept standards for a limited period of time (trial standards) in order to test their effectiveness in practice. He considered that the formulation of general principles to address the need for flexibility would either strengthen the development of case law or limit the supervisory machinery. Resolutions and declarations were non-binding and could therefore play only a complementary role. It was contradictory to advocate greater international protection for investments and intellectual property internationally rather than providing adequate protection for workers’ rights. The Worker member of Singapore shared this opinion and, noting the trend toward deregulation, expressed her disagreement with those who felt that the labour market should follow suit. Employment relationships were different from commercial transactions and if the freedom to draw up contracts were rigidly applied to employment relationships, injustice would be the result. The Worker member of Pakistan stated that standards that were too flexible would not guarantee the protection of workers’ rights.

51. Several Worker members (France, Italy, the Netherlands, Singapore and the United Kingdom) referred to the ratification of Conventions. The Worker member of France
supported the activities undertaken to encourage the ratification and the application of the fundamental Conventions, but emphasized that this should not be to the detriment of other standards. The Worker member of Italy noted that despite the steep rise in the number of ratifications of fundamental Conventions, many more essential Conventions should be ratified by more countries. The Worker member of the Netherlands attached great importance to the ratification of the fundamental Conventions by all member States, and the Global Report published within the framework of the follow-up to the Declaration could contribute to the ratification campaign. The Worker member of the United Kingdom stated that it was normal that there should be differences in the rate of ratifications. Sectoral Conventions could not enjoy universal ratification. Conventions tended to be ratified over a long period of time. Conventions such as Convention No. 29 were still receiving ratifications. The most important factor in the decision to ratify a Convention remained political will, and Convention No. 138 had experienced a sudden upsurge in ratifications as the ILO reawakened attention to child labour. The Worker member of Singapore expressed appreciation at the high number of ratifications registered following efforts to raise awareness.

52. The Worker member of Italy drew attention to the economic advantages arising out of the ratification and application of standards and emphasized that liberalization and globalization required more democracy and participation, and that deteriorating labour standards would not even benefit employers. The moral values enshrined in the Conventions, which were fundamental instruments for the development of effective policies of economic and social growth, also had a sound economic basis. The new society attached increasing importance to innovation, requiring workers to be well trained and to develop the capacity to innovate. The proliferation of informal work, precarious working conditions and child labour would do little to promote a society based on knowledge.

53. The observer representing the International Transport Workers' Federation referred to the Common Market of South America (MERCOSUR) Social-Labour Declaration adopted in December 1998. He also stressed the importance of labour inspection when applying international as well as national standards.

54. The Worker members, in referring to the future of ILO standards policy, strongly disagreed with the argument that the complexity of the world prevented the adoption of new international standards and expressed their surprise at such a position at the very moment when international economic institutions were calling for new regulatory standards. Recent World Trade Organization meetings, especially the Ministerial Conference in Seattle, was the most striking demonstration of this, as had been the Multilateral Investments Accord. The Worker members had preferred to renew their confidence in the ILO by adopting the Declaration on Fundamental Principles and Rights at Work in June 1998. The need to adopt new standards was blatantly obvious not from a theoretical standpoint but from the realities which trade union leaders encountered daily in their contacts with workers worldwide. If any doubts persisted on this point, it was enough to enumerate several of these new challenges and developments: the increasing precariousness of labour markets; the growing trend towards subcontracting; the erosion of workers' rights through collective and individual labour agreements; the lack of government will, often in the face of mounting pressure from the Bretton Woods institutions, to adopt macroeconomic and voluntarist policies favouring employment; the prevalence of economic criteria over social criteria; the introduction of new technologies; the growing inequalities in many societies; the deregulation of entire economic sectors; and the deteriorating living and working conditions of workers and their families. It was for all these reasons that Worker members considered that workers had need now more than ever of the ILO and its standards policy. Certain speakers considered that the ILO never stopped adopting new instruments. This completely ignored the realities of recent years. A quick glance at the International Labour
Code was all that was required to realize that this was not the case. The adoption of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in June 1998 and the Worst Forms of Child Labour Convention, 1999 (No. 182), demonstrated that the ILO was moving in the right direction, and not adopting new useless standards. Some felt that it would be more desirable to have a world with no stop lights, i.e. without social regulations, and had called for the abolition of international standards and the supervisory system of the ILO. The Worker members, however, did not want to be held accountable for what that implied – a globalized economy, functioning under the invisible hand of Adam Smith. Either one had to affirm in good faith the advantages of globalization, or a case could be made for the abolition of universal standards, but not both at once. Workers' organizations were not opposed to globalization, but only to uncontrolled globalization and to deregulation which took account only of economic growth and profitability, in fact, only of profit. As far as the Worker members were concerned, economic globalization should go hand in hand with social globalization, in other words, with the valuable heritage which had grown out of ILO principles, Conventions, Recommendations and the supervisory system of which they considered themselves to be custodians. The Worker members expressed their incomprehension of the “alarmist” attitude adopted by Employers and a number of governments to the revision of standards. This was not a new debate, and it was useful. The Chairperson of the Working Party on Policy regarding the Revision of Standards had presented an extremely coherent report on the work undertaken by the Working Party and the concrete and tangible results obtained to date. The Worker members requested a more serene debate on these points, in keeping with the ILO mandate and the importance of its mission and current global realities. It was not the role of the Worker members to follow an ideology out of touch with the realities of today's world of work or based on a minimum of factual data. If, at times, there was a tendency to “over-interpret", it was certainly not the Committee of Experts, the Workers' group or the majority of governments present who were at fault.

55. The Worker members stated that the standards system should not only be the heart of the ILO, pumping fresh vitality into the Organization and its constituents, but should also be its backbone, providing an infrastructure and support to all its activities. The Worker members reiterated their firm conviction that international labour standards remain the sine qua non for structured and sustainable social development based on social justice.

56. The Employer members wished to clear up some misunderstandings which may have occurred with respect to their previous statements. With regard to the concept of globalization, several speakers had pointed to the alleged dangers of this phenomenon. The Employer members wished to underline the importance of examining the consequences of the globalization process and stressed the need to examine the chances and opportunities globalization offered. In order to ensure that all parties could participate in and benefit from globalization it was important to create conditions for free and fair trade, which on the one hand would respect the comparative advantage of certain countries while on the other ensuring that all countries of the world could profit from the opportunities created. Furthermore, it was important that all participants in the globalization process be able to react quickly to the numerous changes brought about by the rapid evolution of the global economy. There was a clear need for rules to which all could adhere, as well as a need for more investment in education. Moreover, globalization also demanded better standard setting for the future. The Employer members wished to clarify that their position was not that standards were obsolete, but rather that better standards were needed. In this context, recalling the difficult and lengthy discussions concerning the amendments to the Constitution, they noted that the report of the Working Party on Policy regarding the Revision of Standards showed that at least 76 Conventions examined to date were no longer up to date, were totally out of date, or needed revising. An examination of the need for revision of the remaining Conventions would most likely lead to the conclusion that
50 per cent of these Conventions were no longer up to date, out of date or needed revision as well. It was therefore not an exaggeration to say that the ILO's standard-setting structure was no longer up to date. There was a need for new types of standards in the future. The Employer members wished to reiterate that they attached great importance to certain standards, such as the Worst Forms of Child Labour Convention, 1999 (No. 182). Nonetheless, in the future standards policy should include different types of standards, such as guidelines, principles, and Conventions with fewer technical details and provisions. These types of standards should be useful for both employers and workers and should be based on a wide consensus. In this regard, the idea of trial standards should be examined. It was crucial that standards could be tested as to the consequences resulting from their ratification. As national laws are often tested as trial laws, the ILO should consider following this lead as well.

57. The Employer members wished to address the objection raised by a Government member of Germany that the withdrawal of standards was impossible under international law. While the withdrawal of ILO Conventions was certainly more complicated than the abrogation of national laws, the feasibility of doing so had already been examined and approved by the ILO Conference. Furthermore, the question of what the world community desired was more important than this legal question.

58. The Employer members also addressed a point raised by the Worker member of the United Kingdom made in response to the Employer members' introductory statement to the Committee. They wished to clarify that in their introductory statement they merely stated that ILO standards reflected the conditions present at the time they were adopted. Furthermore, they wished to point out that jurisprudence was not comparable to that in a system based on precedent, which existed only in the absence of written legislation. Strictly speaking, jurisprudence was the application by courts of written law. The Committee of Experts had always rightly considered its deliberations as comments on individual cases, and these were only considered as jurisprudence in order to emphasize their value. As the Committee of Experts had stated on numerous occasions it did not have the function of a judicial body, and therefore its comments could not be considered as jurisprudence.

59. The Employer members, in response to a point raised by the Worker member of the Netherlands concerning the rate of ratifications, repeated their observation that the number of ratifications had dropped significantly in recent years. They agreed that this drop in the rate of ratifications was a reflection of the lack of political will to ratify Conventions. Behind this lack of political will there was a concrete tendency not to continue ratifying Conventions. It was therefore necessary to adopt different types of standards, as also acknowledged by several governments.

60. The Employer members wished to address a point which had been raised on occasion concerning the alleged inherent contradiction between capital and labour. They recalled that the function of employers was to create products at the lowest cost with the highest working conditions possible. This was only possible if there was close cooperation between workers and employers, which could only be ensured through social dialogue. Even if agreement was not achieved on all matters, social dialogue was the business of everyone in the Committee out of a sense of social responsibility for all concerned. Those who believed that labour and capital were irreconcilable were repeating political dogma which belonged in the dustbin of history.

61. The Committee noted with interest the information communicated by the Government representatives of the following countries with regard to future ratifications: Belgium (the Belgian Parliament would examine during the summer a Bill to approve the Worst Forms
of Child Labour Convention, 1999 (No. 182)); China (the Government was examining the possibility of ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182), and the ratification procedure for the Safety and Health in Construction Convention, 1988 (No. 167), the Labour Administration Convention, 1978 (No. 150), was under way); Czech Republic (the Workers’ Representatives Convention, 1971 (No. 135), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Labour Administration Convention, 1978 (No. 150), and the Safety and Health in Mines Convention, 1995 (No. 176)); Ethiopia (the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182), were before Parliament for examination); India (the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), was at a very advanced stage and legislation was currently being drafted to set the minimum working age at 14 years with a view to ratifying the Minimum Age Convention, 1973 (No. 138). Moreover, the ratification of the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89), had been envisaged); the Islamic Republic of Iran (the Minister for Labour and Social Affairs recently submitted a favourable opinion on the Worst Forms of Child Labour Convention, 1999 (No. 182), to the Iranian President. The President had given his support to the ratification of the Convention, which was currently before the Iranian Parliament); Lebanon (the authorities were currently examining the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), and measures to give effect to the Convention); Paraguay (the Government had recommended the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), to Parliament); Philippines (the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182), were currently being ratified and the tripartite consultations required under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), had been completed, so that the ratification procedure was expected to commence shortly); Portugal (the proposal recommending adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182), had been presented to the Assembly); Sri Lanka (the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), was expected to be completed in several months); Switzerland (the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Worst Forms of Child Labour Convention, 1999 (No. 182) would shortly be deposited).

**Fulfilment of standards-related obligations**

62. The Worker members recalled that ratification in itself was not enough. Governments also had to submit reports regularly. In this connection, they observed that only 61 per cent of the reports requested had reached the ILO, and that many of these were not complete. They noted with regret that the table listing reports received and not received contained in the annex to the report of the Committee of Experts showed that approximately one-quarter of the member States had not sent a report or had failed to send the majority of reports which had been requested from them. The proper functioning of the supervisory system depended largely on the timely submission of the reports requested and, despite the recent reforms, the figures concerning the submission of reports were neither very positive nor very encouraging. The changes made to the reporting system to facilitate the task of member States would be evaluated in 2001 and the Worker members looked forward with interest to the discussion in this connection at the 2002 session of the Conference. The Worker members, referring to paragraph 79 of the Committee of Experts’ report, raised the question of incomplete reports. They recalled that the failure of a government to cooperate with the supervisory bodies was sufficient reason for the inclusion of that country on the list of individual cases, to reinforce the conclusions, or even to mention them in a special paragraph.
63. The Worker members reiterated the role of employers’ and workers’ organizations in ILO procedures and observed that the Committee of Experts had, yet again, received a large number of observations from these organizations (257, the great majority of which came from workers’ organizations). They stressed that in order to have an overall picture of the reactions formulated by workers’ organizations, account should be taken of other ILO procedures in which these organizations were involved, in particular representations under article 24 of the Constitution and complaints under article 26 of the Constitution, as well as complaints submitted to the Committee on Freedom of Association, which had increased substantially. The Worker members, moreover, endorsed the Committee of Experts’ remarks on the relatively small number of comments submitted by employers’ and workers’ organizations on the application of Conventions relative to child labour, though these organizations had a role to play in supervising the application of these Conventions.

64. The Employer members noted that the Committee of Experts had regretted the decreasing number of reports submitted by member States. Many countries did not meet their obligations in this respect. Yet, if member States did not report to the Committee of Experts and the Conference Committee, it would be impossible to determine whether they were discharging their obligations. Even though compliance with reporting procedures was a fundamental obligation, only 61.4 per cent of the reports requested had been received prior to the close of the Committee of Experts’ session, which marked an historical low point in the discharge of member States’ obligation to report. The Employer members welcomed the inclusion of the names of member States who had submitted reports following the Committee of Experts’ session, but prior to the Conference, which they had been requesting for a number of years. However, several years would still be necessary to identify the countries for whom this had become a systematic practice, in an attempt to avoid the Conference Committee’s criticisms. The Committee of Experts also deplored the delays in submitting first reports following the ratification of a Convention. It was difficult to understand why delays occurred, particularly since prior to ratifying a Convention, a country should have studied its law and practice to ensure that it would not encounter any practical difficulties in preparing its first report. Difficulties in submitting first reports were rarely brought to the attention of the Conference Committee, which tended to examine only critical cases.

65. The Employer members stated that information on cases of progress was always a very positive section of the Committee of Experts’ report. They regretted that the Conference Committee had to concentrate on critical cases.

66. The Employer members noted that the Committee of Experts had requested that reports submitted on Conventions include information on their application in practice and had named the countries that had supplied this essential information. They considered that such information was essential in reports on the application of Conventions.

67. The Employer members stated that the growing number of representations submitted under article 24 of the Constitution showed that there was a need to revise this procedure rapidly. In fact, national disputes were being brought before an international forum. In its 1999 report, the Committee of Experts had raised the possibility of making practical changes in the foreseeable future. These issues were obviously raised in reference to the current discussion on the standards policy and should not be left unresolved indefinitely. Moreover, these changes were required to allow the increasing number of cases submitted to the Committee on Freedom of Association to be addressed. While most of these cases were initiated by workers’ organizations, employers’ federations should also have an opportunity to express their views, which was not always the case in practice.
68. The Employer members noted the general considerations reiterated by the Committee of Experts on the submission of Conventions and Recommendations to the competent authority and the explanations provided in regard to the obligation to submit. In certain cases, delays in submitting instruments to the competent authorities extended over several years. However, the prescribed timescale of 12 or 18 months in which instruments should be submitted following their adoption might be too short for democratic countries where numerous consultations were required at different levels. Consideration should therefore be given to examining how the submission period could be extended.

69. Several Government members (Cuba, Germany, Kenya and Portugal) expressed concern at the growing number of governments who were failing to fulfil their reporting obligations and reiterated that the supervisory procedures could only function properly if reports were submitted to the Office. The Government member of Germany, supported by the Government members of Cuba and Portugal, considered that the ratification of Conventions should be accompanied by information and technical assistance. The Government member of Kenya stated that it was also necessary to determine whether the obstacles preventing the ratification of Conventions were of an administrative, financial or technical nature and to provide assistance to help countries meet their constitutional obligations.

70. The Government member of Germany emphasized that the arguments put forward by the Employer members on recourse to the representation procedures as well as to the special procedures of the Committee on Freedom of Association were unconvincing. The high number of these cases should not be criticized, as workers whose rights had been violated were entitled to seek legal redress. Moreover, when article 24 of the Constitution had been drawn up, it was understood that internal conflicts would be brought before an international forum.

71. The Worker member of Germany shared the opinion of the Government member of Germany. Regarding the adoption of the Declaration, the Worker member of France emphasized that the content of the Global Report revealed persistent violations of freedom of association. These violations fully justified the existence of the Committee on Freedom of Association. The Worker member of Greece trusted that the statements made by the Employer members were not intended to restrict the activities of the Committee on Freedom of Association. The Worker member of Singapore noted that international standards and tribunals existed because of individual countries' inability to resolve disputes at national level.

72. The Worker members referred to a number of statements regarding representations and complaints according to which the ILO received a flood of complaints, and the implication that complaints were unfounded and were made without due consideration. However, data contained in the Office report to the Governing Body revealed that the number of representations brought under article 24 numbered 89 over the 80 years of the ILO's existence, which was slightly more than one complaint a year. In 1994, however, there had been a bumper crop of 13 representations. If account was taken of the 182 Conventions, 175 member States and the several thousands of trade union and employers' organizations which could lodge complaints if they so wished, clearly, the problem lay not in the number of complaints registered but in an underutilization of the complaints procedure. The Office acknowledged the underutilization of the complaints procedure and had attributed the slight increase in the number of complaints registered in recent years to a "growing awareness of the existence of and the mastering of ILO procedures by employers' and workers' organizations", which was due "in part to the promotional and informative activities undertaken by the Office, following an instruction handed down by the Conference and the Governing Body at the beginning of the 1980s, as well as to the
development of the democratic process in an increasing number of countries”. Once again, choices had to be made. Either representations and complaints could be accepted as an integral part of the ILO supervisory system, or the increase, albeit modest, in the number of representations and complaints could be deplored.

73. The Worker members expressed their gratitude to governments who had kept the Committee abreast of developments in the ratification and application of ILO Conventions in their respective countries, even when this information had not been submitted in the required form and outside of the prescribed time limits to be included in the Committee of Experts’ annual report. They deeply regretted the extremely low number of reports submitted under article 22 of the ILO Constitution and trusted that the Office would increase its dialogue with governments on this to remedy this situation.

74. The Employer members, referring to the representations and complaints procedures, recalled that they had never called for the abolition of these procedures, just for some necessary changes. They remained convinced that organizations which made representations and complaints should be required to be based in the country against which these procedures were initiated. Furthermore, they pointed out that while these procedures were addressed to the governments of the countries concerned, it was at the same time the employers who were the target of these procedures. Employers in general were not given the opportunity to present their point of view in these procedures. A reform of these procedures was therefore needed so as to guarantee the principle that all parties to a proceeding should have the right to be heard before a final decision is taken.

75. The representative of the Secretary-General stated that the current practice of the Committee was not to consider comments received by “third parties” (employers or trade unions) unless they were submitted through the government. The Committee did re-examine from time to time its procedures and this question could be considered during the next such re-examination, if the Employer members were to make such a request.

**Other questions concerning the application of particular Conventions**

**The Forced Labour Convention, 1930 (No. 29)**

76. The Worker members stated that following the discussions in the Conference Committee in 1998, the Committee of Experts had included a general observation in the report presented to the 87th Session of the Conference with a view to obtaining information from all States bound by Convention No. 29. The Worker members stressed the importance of this observation and looked forward with interest to the results which would appear in the report next year.

77. The Government member of the United Kingdom referred to the issue of prison labour mentioned in the Committee of Experts’ report. He recalled the detailed discussion that took place in the Committee in 1999 on the issue of work performed in privately managed prisons when it examined individual cases under the Forced Labour Convention, 1930 (No. 29), and noted that many of the member States acknowledged that application of a Convention which was drafted some 70 years ago raised a number of complex issues in today’s setting. He noted the Committee of Experts’ determination that the question of prisoners being “hired to or placed at the disposal of private individuals, companies or associations” merited fresh attention. In that regard, he noted that the Committee of Experts had requested responses to last year’s general observations, that the responses would be due in 2000, and that the Committee of Experts intended to address this issue in its next report. A full and detailed examination of the issue of work in privately run prisons...
should most appropriately take place next year after the Committee of Experts had reported on this issue. The Committee would then be in a far better position to examine the issue in a global and comparative context, which would be more constructive than examining individual cases in isolation. The Government member of Kenya considered that the issue of prison labour, as defined in the Convention, merited fresh attention. The Government member of India considered that the Convention was not the appropriate instrument to address the issue of child labour.

78. The Worker member of the United Kingdom looked forward to a constructive discussion in the Conference Committee in 2001 concerning the exploitation by private companies of prisoners held in both state-run and private prisons. The fact that this matter would be covered in greater detail in the report of the Committee of Experts next year did not relieve any government of its existing obligations. Moreover, he welcomed the comments made by the Committee of Experts concerning several cases which once again clarified the obligations deriving from the ratification of Convention No. 29.

Conventions on child labour

79. The Worker members expressed their satisfaction at the weight given by the report to the ILO’s instruments in the struggle against child labour. The adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182), was a crucial step forward in meeting this objective and the first ratifications were registered shortly after this new instrument had been adopted. To date, 19 member States had ratified Convention No. 182 and ratification procedures were also under way in a large number of member States. The next step consisted of implementing the provisions of this Convention and the Statistical Information and Monitoring Programme on Child Labour (SIMPOC) as well as the Labour Inspection Convention, 1947 (No. 81) could prove instrumental in this task.

80. The Employer members observed that the general part of the report dealt in detail with child labour matters and that the Worst Forms of Child Labour Convention, 1999 (No. 182), had been adopted unanimously and had received its first two ratifications shortly after its adoption in November 1999, allowing it to come into force in November 2000. In that regard, a race appeared to have taken place amongst member States as to which would be the first to ratify this Convention. The ensuing result was that one of the first ratifications was from a member State experiencing great difficulty in meeting its constitutional obligations to report on the application of ratified Conventions. In this respect, the Employer members concurred with the Committee of Experts that ratification was, naturally, not an end in itself. However, rather than stating that ratification was “a manifestation of a State’s international commitment and willingness to account for any allegation of non-observance”, the Employer members believed that ratification was first and foremost an expression of the obligation to apply the content of the ratified Convention, as well as a State’s readiness to report on the application of Conventions in the event of alleged non-observance. In the case of Convention No. 182, this meant the global elimination of the worst forms of child labour. Furthermore, a meaningful and complete report should not only contain information on the legal provisions in force, but also on their practical application.

81. Several Government members (Cuba, Egypt, Germany, Kenya, Lebanon, Portugal and Sri Lanka) referred to developments noted by the Committee of Experts on the application of the Conventions on child labour. The Government member of Kenya considered that protecting children was an essential element in the pursuit of social justice and universal peace. Child labour countered all efforts focused on enabling individuals to achieve self-fulfilment, to secure dignified and decent work and to eradicate poverty.
82. The Government member of Portugal welcomed the considerable number of ratifications registered for Convention No. 182, while emphasizing the importance of ratifying and implementing Convention No. 138. The Government member of Cuba called upon the Committee to clarify the relationship between these two Conventions. On the issue of child labour, the Government member of Germany referred to the considerable discrepancies between the existence of appropriate legislation and its application in practice. In this regard, it was indispensable to have statistical data and other information on the practical application of these Conventions in order to obtain a realistic picture of child labour in different countries. Similarly, information concerning labour inspection and the nature of the sanctions imposed was also necessary. The Government member of Cuba shared the view that it was necessary to introduce a wide range of practical economic and social measures, such as developing educational systems, adult employment and health programmes, and, more generally, the level of social protection, which impacted directly on children and on their overall opportunities for development. The Government member of Lebanon also referred to the need for practical measures including the effective application of legislation prohibiting child labour, creating conditions which were conducive to economic and social development, reliable studies which would identify sectors employing child labour, incentives to compensate for the withdrawal of child labour and training programmes. The Office should provide assistance to countries upon request, and the International Programme on the Elimination of Child Labour (IPEC) had a major responsibility in this area. One of its principal tasks was reinforcing labour inspectorate activities in monitoring the application of national laws and ratified Conventions governing child labour through the ILO training programmes, designed to help labour inspectors detect and resolve child labour cases. The Government member of Egypt referred to the lack of accurate and reliable statistical information on child labour and stressed that accurate data collection was a vital step in developing the most effective systems to combat child labour, as well as allowing the effectiveness of these systems to be assessed. He added that surveys on child labour should be developed using a valid statistical methodology. He recalled that the summit of the Organization of African Unity (OAU) had recommended the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182).

83. The Worker member of the United Kingdom noted that the Committee of Experts had reported that the number of ratifications of Convention No. 138, previously considered by some outside the Workers' group as unratifiable, had jumped from 52 in 1996 to its current level of 83, with more ratifications expected.

Employment Policy Convention, 1964 (No. 122)

84. The Worker members recalled that Convention No. 122 was a priority Convention, since employment policy was the cornerstone of a solid social and economic policy. The Worker members referred to the paragraph of the Committee of Experts' report regarding the obligation to consult the social partners and wished to place this point within the wider framework of economic development. They noted that the Committee of Experts had referred to discussions which took place during the WTO Ministerial Conference in Seattle in 1999. The Worker members felt that if the Seattle meeting had collapsed, it was largely due to the opposition of trade unions and non-governmental organizations (NGOs). In fact, NGOs were opposed to a globalization which took account only of economic aspects and which served only the interests of those who held economic and financial power. Those who opposed such a globalization could accept it only if it went hand in hand with a social dimension and benefited not only workers but also the general population. In this context, events observed in the field proved that international labour standards and social policy were essential elements in ensuring economic, social and political development. The Worker members noted that the Committee of Experts had requested member States to
examine the manner in which social protection could be extended and awaited the results with interest.

85. The Worker members recalled that countries undergoing structural adjustment programmes or highly indebted countries did not have the means to implement coordinated employment policies, which was why it was important to reschedule debts, provide debt relief and offer international aid to contribute to sustainable social and economic growth. International financial organizations such as the International Monetary Fund (IMF) and the World Bank should take full account of this social dimension. In this context, the Worker members expressed great interest in World Bank and IMF initiatives in favour of heavily indebted countries to eradicate poverty, mentioned by the Committee of Experts. They felt that these organizations should now strive to promote international labour standards and social policy and integrate them into their programmes and activities. Moreover, the Worker members referred to the follow-up to the Copenhagen Social Summit, which would take place in Geneva at the end of June 2000, and expressed their hope that the meeting would be operational and establish mechanisms to supervise progress achieved in eradicating poverty.

86. The Employer members noted that an important section of the Committee of Experts' report was devoted to the application of Convention No. 122. The Committee of Experts had expressed the need for precise information on a number of points regarding the application of the Convention, including active labour market and training policies, and had emphasized the need for a coordinated monetary and social policy. If job creation and social policies were to be successful, it was necessary to develop a society which created opportunities, rather than a protective society, which implied the application of the principle of subsidiarity. Social policy meant helping people to help themselves. While most active labour market measures had a negative impact on economic performance, activities such as assisting jobseekers in securing employment and vocational guidance had a positive impact. The Committee of Experts, in referring to the WTO Ministerial Conference in Seattle, had considered that wider dialogue in civil society was one of the linchpins of sustainable economic growth in an era of globalization of markets. The Employer members doubted that civil society had made its voice heard during the Seattle meeting. Instead of dialogue, there had been disorder. For civil society to be equated with a market society, enterprises required openness and freedom of entrepreneurial action, characterized by self-regulation rather than state regulation. Nevertheless, according to the explanation given by the Director-General of the WTO, the disagreements in Seattle were due to the attitudes of governments. The Employer members referred to the comments made by the Committee of Experts concerning the need for adequate social safety nets in open economies, but disagreed with the idea that such measures should seek to cover as much of the population as possible. While the Employer members were of the opinion that social measures should be made available to all in varying degrees, they felt that there was a danger that they would rapidly become overburdened and collapse. All social benefits should be targeted as far as possible to cover real needs and to help people help themselves. As regards part-time work, the Employer members were of the opinion that, while part-time work might indeed conceal hidden unemployment, it was better than no employment at all. Moreover, in certain countries there was a great demand for part-time work, arising in part from the individualization of society. The Employer members concurred with the Committee of Experts on the importance of promoting self-employment, which, they added, had been a major factor in creating a large number of jobs. In certain sectors and, particularly in information technology, each new start-up led to the creation of many new jobs. However, promoting self-employment ran the risk of distorting competition. In order to promote self-employment, fiscal and legal frameworks were required as were training systems and a climate conducive to the spirit of entrepreneurship.
87. The Employer members emphasized the need to take account of the quality of jobs and noted that several aspects of the concept of full employment were controversial. If too great an emphasis was placed on the quality of jobs, the number of new jobs created could fall, and in view of the employment situation, there was an urgent need to create a large number of new jobs.

88. The Employer members disagreed with the concept expressed in the report of the Committee of Experts that the objective of full employment “set as a minimum criterion the application in law and practice of the Conventions included in the Declaration”. This concept could be misinterpreted and ran the risk of placing the Declaration on Fundamental Principles and Rights at Work on an equal footing with standards. The Employer members were opposed to this concept, and the Declaration had not been adopted on that premise.

89. Several Government members (Belgium, Cuba, India, Kenya, Lebanon, Nigeria and Portugal) referred to the importance of an employment policy within the framework of globalization. The Government member of Cuba stressed that wide-ranging social dialogue involving vulnerable groups extending the reach of social protection was an integral component of employment policies, developing educational systems and occupational training and their links to employment policy, were factors that could be highly beneficial for measuring the success of national employment policies. Although Convention No. 122 was not among the Conventions considered to be fundamental, it nevertheless remained a priority Convention, since effective employment policies formed the basis of all economic and social development and without such policies the remaining Conventions and rights could not be applied. The Government member of Portugal considered productive and freely chosen employment a sine qua non for the enjoyment of other fundamental rights, and social dialogue and cooperation contributed to the attainment of fundamental rights. The Government member of Lebanon questioned the possibility of achieving the fundamental principles embodied in the Convention, namely the promotion of full and freely chosen employment, in today’s changing world and how ILO programmes such as the InFocus Programme on Boosting Employment through Small Enterprise Development, and the More and Better Jobs for Women Programme, could lead to the creation of new jobs. Particular attention should be accorded to the informal sector. The Government member of Nigeria referred to the ILO “Jobs for Africa” programme, which had not become operational because of lack of funding, and hoped that additional funding from the ILO and the United Nations Development Programme (UNDP) would be forthcoming. He also considered that foreign investments would contribute to the development of the modern sector and the promotion of micro and small enterprises. The Government member of Kenya called for the development of social and economic systems which would guarantee basic security and employment while remaining capable of adapting to rapidly changing conditions in a highly competitive global market. Promoting employment as a core objective of macroeconomic policy was an essential responsibility of the ILO.

90. The Government member of Belgium mentioned an apparent paradox. On the one hand, globalization had caused frontiers to break down and generated a global economy and, on the other hand, the need for local development to generate employment was being increasingly felt. In this respect, the Government member considered that the Seattle meeting had helped increase understanding of the impact of the liberalization of trade and social development. There was a growing awareness that reference to fundamental labour standards was unavoidable as the foundation of the international consensus on the basis of social development.

91. The Government member of India, referring to the issue of the social dimension of the liberalization of international trade, expressed concern at the efforts of organizations
outside the ILO to use labour issues to derail trade agreements and expressed his dissatisfaction at the interference of other organizations in ILO areas of competence, whether acting alone or in unison.

92. Several Worker members (Colombia, Guatemala, Italy, Pakistan, Singapore, Turkey and Uruguay) referred to globalization and its social repercussions, and some referred to IMF, World Bank and WTO policies and the need for greater cooperation with these organizations. A number of Worker members referred to the situation of workers employed in export processing zones, particularly female workers, where the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) were being violated.

Other international and regional aspects

93. The Worker members considered that, as regards the ILO and other international institutions, it was extremely important for the future of the Organization and social globalization that the ILO succeeded in imposing respect for fundamental labour standards throughout international institutions, and in obtaining broader recognition of its exclusive competence in elaborating, adopting, applying and supervising labour standards.

94. The Worker members underlined the importance of the June 2000 follow-up to the World Conference on Women, held in Beijing in 1995. In the light of the current situation facing women in all corners of the globe, and particularly working women, it was important to take full advantage of this Conference to evaluate the commitments made by the international community within the framework of the 1995 Beijing Conference. The Worker members noted with approval that the ILO had participated in the preparation of this year’s Conference. One of the topics which should be brought up in the discussion on the promotion of women was the redistribution of wealth and equitable access to natural and economic resources. In this regard, the Worker members emphasized the importance of creating a social security system which would benefit male and female workers in the formal and informal sectors, and the important role which the ILO could play in this regard.

95. The Employer members noted that the functioning of the constitutional procedures also raised the issue of the Office’s limited capacity. The question of capacity also arose with regard to the functions carried out by the ILO in regard to other international instruments and its cooperation with international organizations. The Employer members recalled the particular importance of the ILO’s collaboration with other organizations in the field of human rights instruments. However, in this area the ILO needed to cultivate its own human rights instruments, namely the eight fundamental Conventions.

96. Several Government members (Belgium, Cuba, Denmark (on behalf of the Nordic countries), Portugal and Sri Lanka) referred to the functions relative to other universal and regional international instruments and cooperation between the ILO and other international organizations. The Government member of Germany emphasized the regular and solid cooperation between the Committee of Experts and the United Nations Committee on Economic, Social and Cultural Rights. The Government member of Cuba considered the Committee of Experts, when discussing cases referred to by other United Nations supervisory bodies, could check whether the corresponding reports had been endorsed or rejected by those bodies. The Government member of Denmark (on behalf of the Nordic countries) welcomed the cooperation with the Office of the High Commissioner for Human Rights, and the Government member of Portugal considered that the ILO’s growing involvement in the work of other international organizations would promote ILO values in these organizations. The Government member of Sri Lanka referred to the
situation of child soldiers and looked forward to seeing the ILO work closely with the United Nations Committee supervising the UN Convention on the Rights of the Child in this regard. The Government member of Belgium considered that the links referred to in the report, particularly in the field of human rights, and the links with the European Code of Social Security as well as the European Charter, should continue to inspire the ILO.

**Technical cooperation relating to standards**

97. The Worker members stressed the important role played by technical assistance on standards and reiterated their support of ILO activities to strengthen the application of international labour standards, particularly through multidisciplinary advisory teams (MDTs) and training seminars. The resolution adopted by the Conference in 1999 in respect of the ILO’s role in technical cooperation, provided a series of guidelines to strengthen further ILO activities in this field.

98. The Employer members commended the work carried out by the multidisciplinary advisory teams.

99. A number of Government members (China, Cuba, Denmark (on behalf of the Nordic countries), Egypt, Ethiopia, the Islamic Republic of Iran, Kenya, Lebanon, Nigeria, Paraguay, the Philippines and Portugal) reiterated the advantages of technical assistance. The Government member of China noted that significant progress had been achieved worldwide in the field of international standards and trusted that the ILO would continue to provide technical resources and expertise to facilitate the ratification and application of Conventions. The Government member of the Islamic Republic of Iran noted that technical cooperation and training programmes could facilitate ratification. The Government member of Egypt considered that technical assistance to bring national legislation into conformity with ratified Conventions should be strengthened. The Government member of Cuba emphasized the invaluable assistance provided by the standards experts at headquarters and in the MDTs. The Government member of Denmark (on behalf of the Nordic countries) referred to the difficulties in filling vacancies in the MDTs.

100. The Government member of Kenya expressed his appreciation of the various activities undertaken by standards specialists through the MDTs to ensure that international standards were taken into account when formulating national objectives and technical cooperation programmes. Technical assistance in all its forms assisted member States in better fulfilling their standards-related obligations. The Government member of Nigeria expressed his regret that the English-speaking West African countries did not have their own MDT to assist them and looked forward to seeing this situation corrected.

101. The Government member of the Philippines referred to the various assistance measures taken by the ILO to promote observance of international standards, including the exchange of information and direct contacts missions. The identification and promotion of best practices in the application of Conventions would help countries to overcome practical problems in ratifying and applying Conventions. The funds necessary to carry out these tasks should be allocated.

102. The Government member of Paraguay referred to technical assistance provided by the ILO to technical cooperation projects with other countries of MERCOSUR, and the assistance furnished in the field of standards to assist in the fulfilment of reporting obligations.

103. The Worker member of Guatemala said that the ILO should be encouraged to pursue and strengthen activities which would permit governments to develop policies and strategies which would ensure the effective application of Conventions, and the Worker member of
Pakistan hoped to see greater emphasis placed on worker education, through workshops, the publication of educational material, and the translation of the Conventions into the national languages.

104. The Worker members again underlined the importance of the work carried out by the International Labour Standards Department, particularly in promoting a better understanding of ILO standards, and considered that the Department should have the resources necessary to enable it to fulfil its functions.

105. Several Government members (Canada, Germany, the United States) referred to the question of resources. The Government member of Germany considered the Office should have sufficient human resources to enable it to carry out its technical assistance activities. The Government member of Canada considered that sufficient resources should be made available to the ILO to enable it to assist member States to fulfil their reporting obligations. The Government member of the United States pointed out that the Director-General needed to ensure that sufficient resources were available to allow the standards department to accomplish its technical assistance activities in an effective and timely manner.

C. Reports requested under article 19 of the Constitution

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and Tripartite Consultation (Activities of the International Labour Organization) Recommendation (No. 152), 1976

106. The Committee devoted part of its general discussion to the examination of the second General Survey made by the Committee of Experts on the application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organization) Recommendation (No. 152), 1976. In accordance with the usual practice, this survey took into account information communicated by governments under article 19 of the Constitution, as well as the information communicated by member States which have ratified the instruments in their reports submitted under articles 22 and 35 of the Constitution, and the comments received from employers’ and workers’ organizations to which the government reports were communicated in accordance with article 23(2) of the ILO Constitution.

The need for tripartite dialogue

107. The Employer members welcomed the General Survey, which clarified many aspects of the application of the Convention and Recommendation. They recalled that tripartism was one of the pillars of the ILO. Enshrined in the ILO’s Constitution, the tripartite character of the ILO distinguished it from other international institutions. Despite the various changes that the ILO had undergone over the past 80 years, the validity of the tripartite system which put workers and employers on an equal footing with governments had never been called into question. The Employer members recalled that it was in the Committee on the Application of Standards in 1972 that the possibility of adopting an ILO instrument dealing specifically with the establishment of national tripartite bodies was first proposed to enable employers’ and workers’ organizations to participate more effectively in the standards process.
108. The Employer members noted the large number of ratifications registered for Convention No. 144 since the last General Survey in 1982. The number of ratifications numbered slightly more than half of the member States of the ILO. The Convention was a very flexible instrument which prescribed in simple terms what logic and common sense dictated with regard to consultations on ILO standards.

109. The Worker members had studied with great interest the General Survey dedicated to one of the founding principles of the ILO, and commended the ILO for not only promoting tripartite cooperation in its midst but also in its instruments. Economic globalization had brought significant new challenges to employers’ and workers’ organizations and governments, the main players in the employment market, the most important being to seek and develop a balance between economic and social imperatives. Tripartite cooperation, based on political will, should play a role in attaining this balance and, above all, should be considered as a means of averting conflict. In a context of economic globalization, social structures could not be limited by national boundaries. Cooperation among governments, employers and workers was an essential element not only at the national level but also at the regional and global levels. In this regard, it could be said that the repercussions of Convention No. 144 were felt not only at a national level but also internationally.

110. The Worker members felt it was important to recall that Convention No. 144 was among the Conventions which were called “priority” Conventions. These instruments, rather than embodying universal values as was the case with the fundamental Conventions reflected in the Declaration, offered a working method and allowed the construction of a coherent body of standards. For this reason, Convention No. 144 could not be disassociated from Conventions Nos. 87 and 98. In this regard, the Worker members drew attention to the fact that ratifying the latter Conventions without ratifying Convention No. 144 was blatantly contradictory. The resolve of many governments to implement this Convention, even to make it a cornerstone of their social policy, should be commended.

111. The Worker member of Colombia pointed out the need to promote tripartism in a world plagued by all kinds of conflict. Unfortunately, in certain quarters tripartite dialogue was considered as nothing more than a diversionary tactic and not as a means of arriving at a consensus to seek social peace. The tripartite consultations envisaged under Convention No. 144 were the best means of averting the conflicts which affected workers. It was important to bear in mind that tripartism on an international level could only flourish where a culture of tripartism was practised at national level. In this regard tripartite cooperation in Latin American countries left a lot to be desired, since consultations were often carried out only after the public authority had taken a decision. The General Survey was invaluable since it provided information on how to create a world of dialogue, consensus and cooperation, founded on social justice. The Worker member of Guatemala expressed his appreciation for the General Survey which took account of the importance of tripartite dialogue as a means of resolving conflicts in a civilized and peaceful manner. However, tripartite dialogue could only be successful when both governments and employers’ organizations were willing to cooperate. The Government member of Nigeria noted that Convention No. 144 served as the cornerstone for effective dialogue between the social partners and encouraged stable industrial relations. Tripartite consultation should take account of the interests of all parties in seeking a consensus on economic and social policies and promoting economic development to the benefit of society.

112. The Government member of India noted that tripartism was a widely accepted fundamental principle in India for dealing with employment matters. Tripartism had led to effective social dialogue among the various organizations representing different interests in India’s labour market. National labour policy had derived its inspiration and strength not only
from the provisions of the Indian Constitution, ILO Conventions and Recommendations, but also from the decisions taken by national tripartite bodies over the past 50 years. The Government member of China expressed his conviction that the General Survey would help member States to apply the principle of tripartism. Tripartite consultation was intertwined with the ILO’s activities and it was heartening that in countries which had not ratified Convention No. 144 various forms of consultation took place with social partners. The Worker member of Spain considered that tripartism should be considered as a means of regulating the economic and social issues which affected employers and workers. It was disappointing that the Committee of Experts’ report confined itself to examining Convention No. 144 and the obligation to establish a tripartite consultation procedure on matters related exclusively to the ILO. The Government member of the Philippines expressed satisfaction that the General Survey was particularly relevant to the work of the Conference Committee and to the ILO’s strategic objective of promoting social dialogue. The Organization derived its strength from its tripartite composition and from the substantial support it had received in involving all the parties concerned in its activities. Under Convention No. 144, employers’ and workers’ representatives participated with governments in examining the ratification of Conventions and in reviewing the relevant national legislation, as well as in preparing reports on the application of ratified Conventions. These same parties examined comments made by the Committee of Experts and proposed appropriate solutions to the issues raised. The relevant legislation and amendments are therefore the fruit of a tripartite consensus, patiently constructed at the national level, and subject to international supervision.

The reference to the right of freedom of association

113. The Employer members stated that the definition in Article 1 of Convention No. 144 clearly indicated that representative organizations were those enjoying “the right of freedom of association”. Paragraph 40 of the General Survey states that the intention of the reference to “the right of freedom of association” was to ensure that representative organizations were given the opportunity to express their opinions in total freedom and independence, which could only be guaranteed through the full respect of the principles embodied 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). In adopting the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up, member States undertook to respect and promote, inter alia, the principles of freedom of association. These principles included the right to establish and join organizations of their own choosing, the right to manage their own internal affairs without interference by the public authorities, and the right of employers’ and workers’ organizations to protection from acts of interference by each other. The commitment undertaken by member States in 1998 implied an acceptance of the principles of freedom of association, a prerequisite to the lifting of obstacles preventing the full application of Convention No. 144. The Employer members attached great importance to this Declaration and expressed their satisfaction that a number of governments had, of their own volition, now extended tripartite consultations to include reports under the follow-up to the Declaration.

114. The Worker members referred to paragraphs 39 and following of the General Survey and noted that while Convention No. 144 contained no express reference to Conventions Nos. 87 and 98 “the right of freedom of association” provided for under Article 1 of the Convention necessarily subsumed Conventions Nos. 87 and 98. This principle was also enshrined in the ILO Constitution. The right of freedom of association was the subject of the first Global Report submitted to the Conference under the follow-up to the Declaration. The right of freedom of association did not mean that trade unions and employers’
organizations should only be tolerated but that governments should create and maintain conditions to promote their development.

115. The Government member of Lebanon questioned the purpose of ratifying Convention No. 144 unless Convention No. 87 was also ratified. Tripartite consultation could not exist if the right of freedom of association was not respected. She also questioned whether the non-ratification of Convention No. 87 did not, in practice, involve violation of Article 1 of Convention No. 144. She believed that there should not be interlinkage between Conventions and that the Preamble was a better place for recalling other relevant instruments. She wondered whether in the absence of freedom of association in the sense of Convention No. 144 this Convention could not be ratified, even if consultations were held in different forms with different concerned parties. The Worker member of Pakistan considered that tripartite consultation was meaningless if the country in question had not ratified Conventions Nos. 87 and 98. He welcomed the initiative of the Director-General of the ILO to establish social dialogue as one of the four strategic objectives of the ILO. He expressed his appreciation for the support extended by the ILO in the restoration of the trade union rights of a trade union in his country. He nevertheless urged the Government to remove restrictions on the exercise of trade union rights of persons engaged in railways, agriculture and export processing zones. The Worker member of Spain considered that Convention No. 144 a key Convention and expressed surprise that certain countries had proceeded to ratify this Convention without having ratified Conventions Nos. 87 and 98. In this regard, the Worker member of India said that his country had ratified neither Convention No. 87 nor Convention No. 98 on the pretext that the neutrality of government employees might be affected if their trade union rights were recognized. He considered that to give full effect to Convention No. 144 it was imperative that Conventions Nos. 87 and 98 were also ratified. The Worker member of the Netherlands was of the opinion that Convention No. 144 should be promoted in the same way as the ILO’s fundamental Conventions. Tripartite consultations could only take place when all parties were fully independent.

The organizations called upon to participate in consultations

116. The Employer members noted that under Article 1 of Convention No. 144, referred to in paragraph 34 of the General Survey, the most representative organizations of employers and workers could, according to national circumstances, mean more than one employers’ or workers’ organization. What was important was that the Government should look into the breadth of representation of both employers’ and workers’ organizations and the organizations’ interest in taking on the responsibility for consultations. They also referred to their statement at the beginning of the discussion on the General Survey. They emphasized that the term “consultation” should be distinguished from mere “information” and the more far-reaching concept of “negotiation”. The latter implied the adoption of initiatives by parties with differing or conflicting interests with a view to reaching an agreement. The consultations required under the terms of the Convention were intended to assist governments in reaching a decision, although the governments concerned remained entirely responsible for the final decision.

117. The Employer members, referring to paragraphs 37 and 38 of the General Survey, expressed their concern at the growing trend of opening up the ILO’s tripartite processes to non-governmental organizations (NGOs). While the ILO and its member States had institutional means of establishing the bona fides of organizations of employers and workers, this was substantially less true for NGOs. While recognizing the positive role of NGOs in developing countries, the Employer members considered that employers’ and workers’ organizations had demonstrated their positive and crucial roles in democratic
institutions during the last century. It had to be recognized that there were different considerations that should be applied to the role of NGOs in wider society and to the far narrower scope of matters encompassed by Article 5(1) of Convention No. 144. Great care should be taken not to undermine or replace the primary role and participation of workers' and employers' organizations in consultations on ILO matters at the national level. By doing so, tripartism would be compromised as well. The Employer members were concerned that the experts might not be sensitive to these concerns. However, they emphasized that NGOs were not obliged to meet the same requirements as employers' and workers' organizations and that they tended to represent very specific positions. Moreover, some governments had promoted NGOs specifically to represent their own positions. They observed in this respect that NGOs were not covered by the scope of application of the Convention.

118. The Worker members attached importance to the basic principle of the Convention in Article 1 that the representative organizations are "the most representative organizations of employers and workers enjoying the right of freedom of association". Paragraph 34 of the General Survey reiterated the interpretation given by the Office to this notion, that a single employers' or workers' organization was not necessarily the only representative organization. It was important that there be an equilibrium between trade union pluralism, on the one hand, and, on the other, effective and manageable consultations, which was why the Worker members were calling for the adoption of unambiguous and specific national criteria to determine which employers' and workers' organizations were the most representative. Moreover, this question went beyond the strict framework of tripartite consultations as laid down under Convention No. 144 since the criteria of representativity could also be applied to determine which organizations would participate in social dialogue at all levels on general employment and labour issues.

119. The Worker members raised another difficulty confronting certain organizations, in addition to the question of the representativity of trade union organizations: the flow of information between governments and trade unions. In many countries, information circulated without difficulty. However, in some countries trade union organizations were not informed or were only poorly informed. It also happened that only certain organizations received information, without objective justification for this difference in treatment. To solve these problems, it was important to define clear, objective, and fair criteria in order to determine the reasons why certain trade union organizations were recognized by the government as interlocutors, while others were not.

120. The Worker members also recalled that under Convention No. 144, organizations other than employers' and workers' organizations could participate in tripartite consultations. These organizations might include organizations defending the interests of those, such as farmers or members of cooperatives, who were either not represented or inadequately represented by employers' and workers' organizations. These might also be NGOs. These organizations were, moreover, explicitly recognized as parties which were concerned by several other ILO instruments. The recent Worst Forms of Child Labour Convention, 1999 (No. 182), provided that "programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups". Practice had shown that a considerable number of these NGOs possessed considerable expertise and were already managing a number of projects to eliminate child labour. Nevertheless, the Worker members emphasized the primacy of tripartism and therefore of dialogue with employers' and workers' organizations. The social partners were the main players in the world of work and had to be acknowledged as such.
121. The Worker member of the Netherlands added that while governments were free to consult NGOs on ILO-related matters, care should be taken not to undermine the normal process of tripartite consultations with the employers' and workers' representatives. The Worker member of Pakistan considered that care should be taken to ensure that NGOs, whose contribution was undoubtedly positive, did not assume responsibilities incumbent on trade unions or gradually replace them. The Worker member of Guatemala warned against the danger of extending tripartite dialogue to certain NGOs who were either of doubtful origin or affiliated to employers' organizations and whose sole purpose was to wipe out the trade union movement, as had been the case in Guatemala. He also referred to the problem of employer-controlled "solidarist" organizations who had received preferential considerations from the Government at the expense of the trade union organizations. Finally, the Worker member of Honduras expressed the opinion that ILO-related matters should not be the subject of consultation with parties other than the ILO constituents. He also stated that the ILO should maintain its current policies to avoid distorting its role and becoming a tool for the resolution of issues relating to economic models or systems.

The consultation procedures

122. The Employer members emphasized the flexibility of Convention No. 144 in that it left it to national practice to determine the nature and form of the procedures for consultation. Different tripartite consultation procedures or approaches could thus satisfy the requirements of Article 5(1) of the Convention. A great many more ILO Conventions could be ratified if the ratification process involved requesting countries to examine whether national policy allowed the objectives of the Convention to be achieved rather than focusing on a "one size fits all" approach.

123. The Employer members noted that, as pointed out in paragraph 29 of the General Survey, "effective consultations" meant that the consultations were not token gestures but required serious consideration of the views of representative employers' and workers' organizations to assist the government in reaching a decision. In this sense, tripartism was not an easy path to take. It required organizing various means of providing adequate information to employers' and workers' organizations so that they had a sufficient basis for consultations, exchanging information on views, resolving differences and taking account of social partners' views before making a final decision. However, effective consultations could be more difficult to achieve in a federal state environment where the State was the legislative authority. The Employer members emphasized the need to differentiate between "consultation" and "information", and the more far-reaching concept of "negotiation". The consultations required under the Convention were intended to assist governments in reaching a decision, for which they had final responsibility. Nevertheless, it was essential that such decisions take account of the views expressed by employers and workers. While the objective of the consultations might be to establish a consensus, employers' and workers' organizations were not bound by the final decision unless this had been explicitly agreed. Finally, Article 5(2) of the Convention provides that consultations should take place at least once a year. Less frequent consultations would be unrealistic given the range of matters on which consultations were required at different periods of the year. Governments were not required to publish annual reports on the functioning of this procedure; they were only obliged to hold consultations on whether an annual report should be published.

124. The Worker members laid great emphasis on the first key word in the Convention, namely "consultation". As indicated by the Committee of Experts in paragraph 29 of the General Survey, the term "consultation" was not synonymous with the term "negotiation", even though they were frequently interchanged. Although the public authorities were not legally
bound by the outcome of consultations with employers’ and workers’ organizations, the Convention required that public authorities take account of these consultations and that they justify in some way a decision to override them. The Convention provided for “effective” consultations to underpin the importance of the opinions of the social partners and to ensure that these opinions were carefully arrived at. Moreover, consultations were only effective when they took account of such factors as frequency and procedures followed. Convention No. 144 laid down only that consultation procedures should be implemented, offering no guidelines on the nature or form they were to take. Recommendation No. 152 provides several examples of the form these consultations could take. The Committee of Experts observed in paragraphs 52 to 73 of the General Survey how the various options described in the Recommendation were used, sometimes simultaneously. The most frequently used form appeared to be that of bodies with special competence for ILO matters, enabling the consultation of employers’ and workers’ organizations to become institutionalized and, in so doing, providing additional safeguards for the existence, functioning and perpetuity of tripartite consultations. Similar bodies could be found in countries that had not ratified Convention No. 144. In practice, if optimum social dialogue existed between the public authorities and social partners in these countries, this would clear the way for the governments of these countries to ratify the Convention; the ultimate goal being that member States not only ratified this priority Convention but also applied it.

125. The Worker members recalled that the Committee of Experts had noted in paragraph 121 of its survey, with reference to Article 5, paragraph 2, of Convention No. 144 according to which “consultation shall be undertaken at appropriate intervals fixed by agreement, but at least once a year”, that consultations had effectively been held once a year in many countries and that the frequency was higher when consultations were held in an institutional framework. This observation confirmed the position of the Worker members, according to which tripartite consultations by means of bodies competent for questions concerning the ILO or having general competence in economic and social matters, provided better guarantees of holding regular and genuine consultations. Moreover, regular consultations should bring together persons who are well trained and well informed. Many countries indicated that training was not necessary since employers’ and workers’ representatives were sufficiently trained and had concrete experience with ILO questions. The Worker members insisted on the importance of training and called upon the ILO to carry out its role in informing and training the representatives concerned. It was essential that the employers’ and workers’ representatives be kept abreast of changes in the ILO in general, and in the standards system in particular, especially during this period of policy changes and the revision of standards.

126. The Worker member of Japan pointed out that, as indicated in the General Survey, several governments had set up special consultative committees to consider questions related to ILO standards. It was the responsibility not only of governments but also of the social partners to do everything possible so that the Conference Committee constituted a forum where true and effective consultations might take place, rather than an institutional framework where governments explained their policies vis-à-vis the ILO without taking into account the views expressed by the social partners. It was essential that, in accordance with Article 2 of the Convention, these consultations took place before the governments finalized their replies or adopted their official positions communicated to the Office. The Worker member of India noted that one important aspect of the General Survey was the emphasis placed on the requirement for “effective” consultations. The consultation process aimed at reaching a consensus, while respecting the autonomy of the parties. To be effective, these consultations had to take place before the government took a final decision. Moreover, the mere transmission of information did not meet the purpose of tripartite consultations.
The subject of consultations

127. In the opinion of the Worker members, it was necessary to establish that tripartite consultations really pertained to questions relative to the ILO activities provided for in the Convention and the Recommendation. It should not be overlooked, however, that international labour standards did have an impact on the overall social and economic policy as applied at the national level. In paragraph 117 of its General Survey, the Committee noted that in several countries the tripartite bodies responsible for the examination of questions concerning ILO activities were also consulted with regard to similar or related activities undertaken within other international organizations, either global or regional in character. This seemed to imply that analogous tripartite consultations could possibly address the activities of the WTO, of the World Bank or of the IMF. Workers' organizations should be able to take an active part in the examination of issues dealt with by those organizations. The failure of the discussions during the WTO Ministerial Conference in Seattle demonstrated the need for participation of all the organizations concerned in this respect.

128. The Worker member of Pakistan expressed the view that tripartite consultations should not be undertaken only for the purpose of considering the matters referred to in Article 5 of Convention No. 144 but also those provided for in the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), namely the establishment and functioning of national bodies, such as those responsible for organization of employment, vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare as well as the elaboration and implementation of plans of economic and social development.

129. The Worker member of Sweden, with reference to paragraph 15 of the General Survey, stressed the importance of consultations with employers' and workers' organizations in matters related to the revision of labour standards and the ratification of Conventions. In the absence of an appropriate mechanism of consultation with the social partners, there was a risk that revised Conventions would not be ratified. As regards in particular consultations with representative organizations in matters related to denunciation of ratified Conventions, the Committee of Experts indicated at paragraph 98 of its General Survey that governments were not bound to report in their letter of denunciation the opinions opposing denunciation expressed during those consultations. Such information was, however, crucial for the evaluation by the ILO of the needs of revision of Conventions, and the Office should require the communication of opinions expressed by the social partners at the time of denunciation of a Convention.

130. The Employer members considered that although Article 3(2) of Convention No. 144 provided that employers and workers shall be represented on an equal footing in the consultation process, they were not on an equal footing with respect to cases filed for the Committee on Freedom of Association. They believed that the work of the Committee on Freedom of Association would be enhanced if employers were able to submit comments directly to the Committee on Freedom of Association in complaints affecting them or on the freedom of association situation in their countries. In addition, and regrettably, many governments did not always consult the relevant employers' organizations to seek their views.

National practices

131. Several Government members (China, Egypt, India, Nigeria, Syrian Arab Republic) as well as Worker members provided information on the application of Convention No. 144 in their countries. The Government member of India stated that in his country
consultations with representative organizations of employers and workers were undertaken in a standing body or on the occasion of ad hoc tripartite meetings on ratification of Conventions, on matters related to the follow-up to the Declaration, and on the work of the International Labour Conference and of the Governing Body on the social dimensions of the liberalization of international trade. These tripartite consultations were also undertaken with respect to the items on the agenda of the International Labour Conference, or the submission of reports due under articles 19 and 22 of the ILO Constitution. These consultations took place by means of written communications in view of the impossibility of arranging for frequent nationwide meetings of the social partners.

132. The Government member of Nigeria stated that in his country tripartite consultations were undertaken within the National Labour Advisory Council which comprised representatives of the federal authorities and of those of the federate states, representative organizations of employers and workers, and the consultative associations concerned. Employers' and workers' organizations were represented within the Council on an equal footing, in conformity with the provisions of Convention No. 144. The Council provided a standing forum for social dialogue, consultations and the quest for consensus on all questions related to economic and social development. The Council also transmitted its recommendations to the Minister of Employment, Labour and Productivity on the application of national laws or draft legislation in the field of labour relations and social security, as well as on the implementation of international labour standards. It met twice a year, and additional meetings could be held when necessary. The chairperson of the Council was the Permanent Secretary of the Federal Ministry of Employment, Labour and Productivity. The Council did not function under the military regime because of the dissolution of the workers' organizations, but resumed its activities under the current administration. The lack of familiarity of the members of the Council with the standards-related activities of the ILO had been a major obstacle to effective social dialogue. In this respect, the technical assistance provided by the ILO was most appreciated.

133. Some Government members (Brazil, Denmark, Greece, Portugal, Sweden) recalled that in their countries an institutional framework for tripartite consultations existed even before the ratification of Convention No. 144. The Government member of Sweden emphasized that consultations involving the government or other national authorities and the social partners constituted a well-established tradition in Sweden. As was indicated in the General Survey a permanent tripartite ILO Committee was set up in Sweden in 1927. Following the ratification in 1977 of Convention No. 144, the ILO Committee was given broader responsibilities to cover all the matters referred to in Article 5, paragraph 1, of the Convention. The Committee met eight times a year and was composed of nine titular and nine substitute members. The three groups are represented on an equal footing. A growing number of national reports containing proposals in legislative matters were submitted to the Committee by different ministries for examination of their conformity with the country's obligations deriving from ratified Conventions, which attested to the Committee's authoritativeness. Much like the ILO, the Committee looked for consensus, if not unanimity. In case of conflicting views, the opinion of the majority was presented together with any reservations. The Worker member of Sweden felt that the ILO Committee provided a model as to the manner of conducting consultations with the social partners.

134. The Government member of Denmark recalled that in his country a permanent tripartite committee to consider ILO matters specifically existed since 1954. In addition, another committee was set up within the Ministry of Foreign Affairs to deal with bilateral and multilateral cooperation with the ILO. The permanent tripartite committee was composed of four representatives of each group designated by the most representative organizations. It also comprised representatives of local administrative authorities. Its meetings are
presided over by a representative of the Labour Ministry. The committees meet at least three times a year before the annual session of the International Labour Conference and the meetings of the Governing Body, in order to discuss the items placed on the agenda. The committee was also competent to formulate recommendations as to the ratification of Conventions. Consultations through written communications could also take place for the purpose of preparing replies to numerous questionnaires, letters, requests and other communications received from the ILO, in case the committees were unable to meet in ordinary session. The Convention’s great merit was precisely that it allowed for a wide variety of methods and procedures of consultation with the social partners.

135. The Government member of Portugal provided some explanations with respect to the reference made to her country in paragraph 71 of the General Survey. The Convention was applied through written communications in accordance with the procedures in force before the ratification of the Convention by Portugal. Moreover, ad hoc meetings could be arranged with social partners on specific issues such as the ratification of Convention No. 162 or the denunciation of Conventions Nos. 4 and 89. Finally, consultations were frequently undertaken within other tripartite bodies such as the Permanent Committee for Social Consultation which is one of the organs of the Social and Economic Council. All these consultations covered the matters referred to in Article 5 of Convention No. 144. The consultation procedures were effective and were accepted by the majority of social partners. Only one employers’ organization had expressed reservations as to the effectiveness of written communications. The Government was ready, however, to reconsider the procedures in consultation with the social partners.

136. Some Government members (Czech Republic, Lebanon) highlighted that the existence of institutionalized bodies for tripartite consultation allowed them to envisage the ratification of Convention No. 144 in the near future. In this respect, the General Survey provided useful clarifications on a number of points.

137. The Government member of Canada stated that most of the questions regarding the ILO were of direct interest for national law and practice both at the federal level and the level of governments of provinces and territories. Even though Canada had not ratified Convention No. 144, federal authorities as well as authorities of provinces and territories actively supported the principles of the Convention, and consultations with a view to ratifying this instrument were currently under way at all levels. These consultations showed the need for clarifying a certain number of points. In this respect, the General Survey shed light on several provisions of the Convention and the Recommendation. The overall appraisal of the difficulties and prospects of ratification of the Convention was well-timed, and the Government of Canada took note of the information according to which a number of federal states which had ratified Convention No. 144 were deemed to fulfil their obligations by undertaking consultations at the federal level.

Difficulties of and prospects for ratification

138. The Employer members observed that Chapter 6 of the General Survey clearly showed that ratification of Convention No. 144 was essentially a question of respecting the principles of freedom of association. When these principles were respected, ratification was only a question of political will. Moreover, the Committee of Experts had indicated that the lack of legal provisions in this regard was not an obstacle in itself. As a practical matter, many governments who had not ratified Convention No. 144 appeared to be implementing the Convention in practice. Where ratifications had not occurred, the principal obstacles to ratification appeared to be choosing the most appropriate form of consultation; determining the representative status of employers’ and workers’ organizations; the transition to political pluralism and a market economy; and inadequate resources or financial restraints.
The most important observation from the present survey was that mistrust of tripartism was no longer a major obstacle. For these reasons, one could reasonably expect that almost all member States will have ratified the Convention when the next General Survey on it is prepared.

139. The Worker members noted with satisfaction that the difficulties cited by States concerning ratification were not problems of principle, but rather were practical questions. Some governments said that they had considerable difficulty with consultation procedures in general and with administrative and financial matters. The Worker members noted that many of those countries nevertheless envisaged ratification of Convention No. 144 in the near future and were therefore prepared to overcome the difficulties they were facing.

140. The Worker member of Rwanda stated that tripartite consultations remained a pious hope in most African countries. In fact, in certain countries these kinds of consultations did not exist, while in others they remained superficial. It was abusive to pretend to hold tripartite consultations without having any appropriate mechanism or procedure.

141. The Worker member of Brazil regretted that in practice the governments of Latin America balked at tripartite consultations. In these countries there were very few institutional structures compatible with Convention No. 144. By way of example, while there did indeed exist a National Tripartite Council on Labour in Brazil, the Government had called it to meet only once since its creation in 1993, when Convention No. 158 was denounced. Moreover, the system of trade union monopoly which prevailed in Brazil prevented tripartism from functioning on democratic and legitimate bases. Other Worker members (Argentina, Venezuela) regretted the lack of tripartite consultations in their countries, although bodies existed for this purpose. The Worker member from Pakistan felt that, if the Convention was well ratified by ILO member States, it was not adequately implemented in many countries, including his own. As for the ILO, it must make international financial institutions, such as the IMF or the World Bank, aware of the role of workers’ organizations in implementing programmes of structural adjustment which these institutions imposed.

142. The Worker member of the Republic of Korea recalled that his country ratified Convention No. 144 in 1999. However, the tripartite committee was already set up in February 1998 at the request of the social partners in order to overcome the 1997 economic crisis. This tripartite committee, composed of permanent subcommittees, was inspired by the provisions of Convention No. 144 regarding its composition and its mandate, which were not limited to international labour standards, but included all economic and social questions. The representative organizations must be autonomous in order to dialogue efficiently with the Government, and collusion between representatives of governments and employers during these discussions on employment conflicted with this idea. Referring to the practice of tripartite consultation in his country, the Worker member from the Netherlands referred to recent difficulties when the Government proposed to denounce a Convention and granted only a very short time for the social partners to reply.

143. The Worker member of Japan underscored that Convention No. 144, like all ILO standards, played an essential role in the improvement of living and working conditions. Special attention must be given to the social aspects of globalization, such as social safety nets, decent work and fundamental standards at work, which were the prerequisites for sustainable social growth. The governments of developing and industrialized countries should make full use of ILO standards to reach the two goals of economic growth and social progress. Unfortunately, approximately half the member States, including Japan, had not yet ratified the Convention. One could hope that, thanks to the discussions within this Committee, all governments, and especially those which had not ratified the Convention,
would be encouraged to implement in a concerted way procedures for effective consultations on ILO standards.

144. The Worker member of India drew attention to the close link between difficulties encountered in implementing ILO Conventions and the social and economic development of the countries concerned. It was only by promoting economic and social development through respect for fundamental standards of the ILO that it would be possible to overcome serious problems of child labour and poverty, which a country such as his own faced. Any proposal to make international labour standards more flexible would only result in their being weakened and must be rejected. Social dialogue on all the questions set forth in Convention No. 144 and Recommendation No. 152 must be strengthened. All countries should be aware of the benefits for them of such dialogue.

145. The Worker member of the Netherlands regretted that many countries, where there are functioning systems for tripartite consultation and social dialogue, had not ratified the Convention. When an objective analysis had concluded that there was no obstacle to ratification and that all necessary conditions had been met, non-ratification could only be attributed to a lack of political will. Consequently these countries should be asked to ratify the Convention rapidly.

146. The Worker member of Sweden stated that there was a close link between a low rate of ratification of ILO Conventions and the lack of a national forum for tripartite consultation. Without such a forum, organizations had no means of pressure to engage in dialogue with the government on the desirability of ratifying ILO Conventions. Tripartism constituted the basis of ILO activities at the international level, and it would be logical to use this same model at the national level. Consequently, the ratification of Convention No. 144 should become a constitutional obligation for member States, and a campaign in this regard would be welcomed.

147. The Government member of the Czech Republic stated that, although her country had not yet ratified the Convention, in 1993 a consultative body was created where the public authorities who participate in ILO activities are represented, as well as the most representative organizations of employers and workers. The mandate of this body covered the questions set forth in Article 5 of the Convention. The national Parliament was in the process of examining a proposal for ratification of Convention No. 144. The obstacles to ratification of the Convention were essentially political in nature and should soon be overcome. The Government believed that the obstacles to the ratification, which in the past were mainly of a political character, had been overcome and in a few months the Czech Republic would be able to announce to the ILO the ratification of Convention No. 144.

148. The Government member of Switzerland stated that the performance of the Swiss economy was based in a large part on social dialogue, above all between employers and workers since the State and the public authorities played only a secondary role in this field. Nevertheless, for questions having to do with international labour standards, their preparation and their supervision, Switzerland has always resorted to tripartite dialogue. On 23 March 2000, both Houses of the Federal Parliament formally agreed that the Federal Council could ratify this Convention. The ratification instrument should be deposited during the special session of the United Nations General Assembly on the follow-up to the Copenhagen Social Summit at the end of this month. In addition, Switzerland was about to set up a national tripartite committee for ILO questions. Switzerland was in a learning phase and would be grateful to be able to count on the ILO's expertise. In this respect the Government intended to work with a representative of the ILO from the first meeting of the tripartite committee as well as during the following sessions.
149. All the speakers welcomed the high number of ratifications of Convention No. 144. The Committee hoped to see the number increase following this General Survey, and called on the Office to furnish the technical assistance necessary for this purpose.

D. Compliance with specific obligations

150. The Committee decided that, in examining individual cases relating to compliance by States with their obligations under or relating to international labour standards, it would apply the same working methods and criteria as last year, as amended or clarified in 1980 and 1987.

151. In applying those methods, the Committee decided, on the proposal of the Worker members, supported by the Employer members, to invite all governments concerned by the comments in paragraphs 82 (failure to supply report for two or more years on the application of ratified Conventions), 89 (failure to supply first reports on the application of ratified Conventions), 93 (failure to supply information in reply to comments made by the Committee of Experts), 119 (failure to submit instruments to the competent authority), and 123 (failure to supply reports for the past five years on unratified Conventions and on Recommendations) of the Committee of Experts’ report to supply information to the Committee in a half-day sitting on the first Monday devoted to those cases. The Committee considered that this innovation proved positive and should be repeated next year.

Submission of Conventions and Recommendations to the competent authorities

152. In accordance with its terms of reference, the Committee considered the manner in which effect is given to article 19, paragraphs 5 to 7, of the ILO Constitution. These provisions require member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the instruments adopted at that session to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.

153. The Committee noted from the report of the Committee of Experts (paragraph 113) that considerable efforts to fulfil the submission obligation had been made in certain States, namely: Croatia, Liberia and Zimbabwe.

154. In addition, the Committee was informed by various other States of measures taken to bring the instruments before the competent national authorities. It welcomed the progress achieved and expressed the hope that there would be further improvements in States that still experience difficulties in complying with their obligations.

Failure to submit

155. The Committee noted with regret that no indication was available that steps had been taken in accordance with article 19 of the Constitution to submit the instruments adopted between 1992 and 1997 by the 79th to 85th Sessions of the Conference to the competent authorities, in the cases of Afghanistan, Belize, Cambodia, Cameroon, Central African Republic, Comoros, Congo, Guinea-Bissau, Haiti, Honduras, Kyrgyzstan, Mali, Saint Lucia, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic and Yemen.
Supply of reports on ratified Conventions

156. In Part B of its report (General questions relating to international labour standards), the Committee has considered the fulfilment by States of their obligation to report on the application of ratified Conventions. By the date of the 1999 meeting of the Committee of Experts, the percentage of reports received was 61.4 per cent, compared with 62.1 per cent for the 1998 meeting. Since then, further reports have been received, bringing the figure to 71.7 per cent (as compared with 71.4 per cent in June 1998, and 74.6 per cent in June 1997). In 1999, the Committee of Experts noted that 60.3 per cent of the reports on Conventions for which information on practical application was requested contained such information, compared with 66.4 per cent in 1998, and 84.3 per cent in 1997. The Committee emphasizes the importance of sending practical information, without which it is impossible to know if a Convention is actually being applied. The Committee joins the Committee of Experts in its repeated appeals to governments to make every effort to include the necessary information in future reports.

Failure to supply reports and information on the application of ratified Conventions

157. The Committee noted with regret that no reports on ratified Conventions had been supplied for two years or more by the following States: Afghanistan, Armenia, Bosnia and Herzegovina, Burkina Faso, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Georgia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, United Republic of Tanzania (Zanzibar), The former Yugoslav Republic of Macedonia, and Uzbekistan.

158. The Committee also noted with regret that no first reports due on ratified Conventions had been supplied by the following countries: since 1992, Liberia (Convention No. 133); since 1995, Armenia (Convention No. 111), Kyrgyzstan (Convention No. 133); since 1996, Armenia (Conventions Nos. 100, 122, 135, 151), Grenada (Convention No. 100), Uzbekistan (Conventions Nos. 47, 52, 103, 122); and since 1998, Armenia (Convention No. 174), Equatorial Guinea (Conventions Nos. 68, 92), Georgia (Conventions Nos. 105, 138), Mongolia (Convention No. 135) and Uzbekistan (Conventions Nos. 29, 100). It stressed the special importance of first reports on which the Committee of Experts bases its first evaluation of compliance with ratified Conventions.

159. In this year’s report, the Committee of Experts noted that 46 governments had not communicated replies to most or any of the observations and direct requests relating to Conventions on which reports were due for examination this year, involving a total of 411 cases (compared with 353 cases in December 1998). The Committee was informed that, since the meeting of the Committee of Experts, 19 of the governments concerned had sent replies, which would be examined by the Committee of Experts at its next session.

160. The Committee noted with regret that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 1999 from the following countries: Afghanistan, Antigua and Barbuda, Bosnia and Herzegovina, Burkina Faso, Central African Republic, Comoros, Democratic Republic of the Congo, Denmark (Faeroe Islands), Djibouti, Equatorial Guinea, Fiji, France (French Guiana, St. Pierre and Miquelon), Gabon, Guinea-Bissau, Islamic Republic of Iran, Jamaica, Kenya, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Netherlands (Aruba), Nigeria, Saint Lucia, Sao Tome and Principe, Sierra Leone, Slovakia, Solomon Islands, Swaziland, United Republic of Tanzania, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda and Yemen.
161. The Committee noted the explanations provided by the governments of the following countries concerning difficulties encountered in discharging their obligations: Belize, Bosnia and Herzegovina, Burkina Faso, Central African Republic, Denmark (Faeroe Islands), Djibouti, France (French Guiana, St. Pierre and Miquelon), Guinea-Bissau, Islamic Republic of Iran, Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Netherlands (Aruba), Nigeria, Sao Tome and Principe, Sierra Leone, Slovakia, Swaziland, United Republic of Tanzania, Trinidad and Tobago, Uganda and Yemen.

162. The Committee stressed that the obligation to transmit reports is the basis of the supervisory system. It requests the Director-General to adopt all possible measures to improve the situation and solve the problems referred to above as quickly as possible. It expressed the hope that the multidisciplinary teams would give all due attention in their work in the field to standards-related issues and in particular to the fulfilment of standards-related obligations. The Committee also bore in mind the new reporting arrangements approved by the Governing Body in November 1993, which came into operation from 1995.

Application of ratified Conventions

163. The Committee noted with particular interest the steps taken by a number of governments to ensure compliance with ratified Conventions. The Committee of Experts listed in paragraph 99 of its report new cases in which governments had made changes to their law and practice following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. There were 27 such cases, relating to 23 countries; 2,230 cases of progress have been recorded since the Committee of Experts began listing them in 1964. These results are tangible proof of the effectiveness of the supervisory system.

164. At its present session, the Conference Committee was informed of other instances in which measures had recently been or were about to be taken by governments with a view to ensuring the implementation of ratified Conventions. While it is for the Committee of Experts to examine these measures, the present Committee welcomes them as fresh evidence of the efforts made by governments to comply with their international obligations and to act upon the comments of the supervisory bodies.

165. The Committee thought it appropriate to draw the attention of the Conference to various important cases which it had to consider.

Cases of progress

166. The Committee noted with satisfaction that in a number of cases – including many involving basic human rights – governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee. It considers highlighting these cases a positive approach towards influencing governments to respond to comments of the supervisory bodies. In this respect, it refers to the report of the Committee of Experts and the discussion of individual cases which appears in Part Two of this report.

Special cases

167. The Committee considered it appropriate to draw the attention of the Conference to its discussions of the cases mentioned in the following paragraphs, a full record of which appears in Part Two of this report.
168. As regards the application by Sudan of the Forced Labour Convention, 1930 (No. 29), the Committee noted the information supplied by the Government representatives, including information on recent measures to release persons who had been abducted, and the detailed discussion which took place thereafter. The Committee noted that this was a particularly serious and longstanding case affecting fundamental human rights, as witnessed by its inclusion in a special paragraph in 1997 and 1998, and the fact that comments had been received from workers’ organizations. The Committee noted the positive measures taken by the Government, including the establishment of the Committee for the Eradication of the Abduction of Women and Children. Nevertheless, it expressed its deep concern at continuing reports of abductions and slavery and urged the Government to pursue its efforts with vigour. It understood that the situation was exacerbated by the continuing civil conflict and noted the measures taken to reach a settlement. The Committee expressed the firm hope that the Government’s next report to the Committee of Experts would indicate that measures had been taken, including punishment of those responsible, and that concrete results had been obtained, so that the full application of the Convention, in law and in practice, could be noted in the very near future. The Committee strongly recommended that a direct contacts mission be undertaken by the Office to obtain full factual information and to examine effective assistance to the Government in this respect. The Committee regretted that the Government had not accepted the proposal to invite a direct contacts mission.

169. As regards the application by Cameroon of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee took note of the oral statement made by the Government representative and the discussion that followed. The Committee recalled that this case had been discussed on numerous occasions over the last two decades. The Committee recalled with great concern that for many years the Committee of Experts had been formulating comments on the discrepancies between national legislation and the requirements of the Convention. In particular, it stressed the need to delete the imposition of previous authorizations for the constitution of trade unions of public servants and for joining foreign occupational organizations. It also urged the Government to repeal provisions allowing for the prosecution of persons forming trade unions not yet registered who would behave as if they were registered. The present Committee also noted that several complaints had been examined by the Committee on Freedom of Association concerning interference by the public authority in union matters and anti-union reprisals. The Committee deeply regretted once again that no progress had been achieved in the application of the Convention. It strongly urged the Government once again to remove without delay the obstacles to full freedom of association contained in its law. In this respect, it firmly asked the Government to submit draft bills to Parliament and to the ILO before the next session of the Committee of Experts. The Committee recalled that technical assistance from the ILO with the help of the multidisciplinary team present in Yaoundé was at the Government’s disposal. It welcomed the invitation of the Minister to send a mission on the spot in Cameroon. The Committee expressed the firm hope that the next report due this year would describe measures actually taken to ensure full compliance in law with this Convention.

170. As regards the application by Venezuela of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee took note of the oral information supplied by the Government representative and of the discussion which took place. Recalling with great concern that, in the past years, the Committee on Freedom of Association had examined several complaints presented by employers’ and workers’ organizations and that this case had been discussed on a number of occasions by the present Committee without any positive results, the Committee deplored having to address this question once again. With regard to the serious discrepancies between the national legislation and the requirements of the Convention, the present Committee, in accordance
with the Committee of Experts, urged the Government to urgently modify its legislation to ensure that workers and employers were able to set up organizations free from interference from the public authorities and to elect their representatives in full freedom. It also insisted on the need to delete the long and detailed list of duties and aims imposed on workers’ and employers’ organizations. In addition, the Committee expressed the firm hope that the decrees recently adopted would not impair the rights of workers’ and employers’ organizations for furthering and defending the interests of their members. It strongly urged the public authorities to refrain from any undue interference which would restrict these rights or impede their lawful exercise. The Committee expressed the firm hope that the next report of the Government to the Committee of Experts would reflect concrete and positive developments and urged the Government to report in detail on all the points raised by the Committee of Experts.

171. The Committee trusts that the governments concerned will take all measures necessary to correct the deficiencies noted and invites them to consider appropriate forms of ILO assistance, including direct contacts, to ensure that real progress is achieved by next year in the observance of their obligations under the ILO Constitution and the Conventions in question.

Continued failure to implement

172. The Committee recalls that its working methods provide for the listing of cases of continued failure over several years to eliminate serious deficiencies, previously discussed, in the application of ratified Conventions. This year the Committee made no mention in this respect.

173. The governments of the countries to which reference is made in paragraphs 168 to 170 are invited to supply the relevant reports and information to enable the Committee to follow up the abovementioned matters at the next session of the Conference.

Supply of reports on unratified Conventions and on Recommendations

174. The Committee noted that 136 of the 258 article 19 reports requested on the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organization) Recommendation 1976 (No. 152), had been received at the time of the Committee of Experts’ meeting, and a further five since, making 55 per cent in all.

175. The Committee noted with regret that over the past five years none of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution had been supplied by Afghanistan, Algeria, Armenia, Bosnia and Herzegovina, Burundi, Comoros, Djibouti, Equatorial Guinea, Fiji, Georgia, Grenada, Haiti, Liberia, Libyan Arab Jamahiriya, Malawi, Republic of Moldova, Nigeria, Rwanda, Saint Lucia, Solomon Islands, Somalia, The former Yugoslav Republic of Macedonia and Turkmenistan.

Communication of copies of reports to employers’ and workers’ organizations

176. Once again this year, the Committee did not have to apply the criterion “The Government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution,
copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated”.

**Participation in the work of the Committee**

177. The Committee wished to express its gratitude to the 69 governments which collaborated by providing information on the situation in their countries and participating in the discussions of their individual cases.

178. The Committee regretted that, despite the invitations, the governments of the following States failed to take part in the discussions concerning their countries’ fulfilment of their constitutional obligations to report: Congo, Gabon, Republic of Moldova, Mongolia and The former Yugoslav Republic of Macedonia. It decided to mention the cases of these States in the appropriate paragraphs of its report and to inform them in accordance with the usual practice.

179. The Committee noted with regret that the governments of the States which were not represented at the Conference, namely Afghanistan, Antigua and Barbuda, Armenia, Comoros, Democratic Republic of the Congo, Equatorial Guinea, Fiji, Grenada, Kyrgyzstan, Saint Lucia, Solomon Islands, Somalia, Turkmenistan and Uzbekistan, were unable to participate in the Committee’s examination of the cases relating to them. It decided to mention these countries in the appropriate paragraphs of this report and to inform the governments, in accordance with the usual practice.

* * *

180. The Committee is conscious of its unique role in entertaining frank and positive dialogue in a tripartite context, in the single-minded pursuit of helping member States make progress in the implementation of their standards-related obligations. There were important questions of principle and a number of complex and serious cases to be examined in the Committee this year. This occurred in a spirit of constructiveness and good faith. The Committee welcomes all of this, for the protection of freedom, dignity and the improvement of living standards – life itself – for men, women and children is the underlying and unforgettable purpose behind the work of the supervisory bodies. The discussions in the Committee reflected the profound changes which are taking place in the world and their repercussions on the world of work. The Committee hopes that it has made a contribution to improving living and working conditions so that decent work will be within the reach of all the women and men in the world.

Geneva, 13 June 2000. (Signed) P. van der Heijden, Chairperson.

J. Misner, Reporter.
PART TWO

OBSERVATIONS AND INFORMATION CONCERNING PARTICULAR COUNTRIES

I. OBSERVATIONS AND INFORMATION CONCERNING REPORTS ON RATIFIED CONVENTIONS
(ARTICLE 22 OF THE CONSTITUTION)

A. General Observations and Information concerning Certain Countries

(a) Failure to supply reports for the past two years or more on the application of ratified Conventions

The Employer members explained that the use of the term “automatic cases” could be misunderstood in that such term seemed unimportant. However, these cases were very important and were only called “automatic” because they were examined every year by the Committee. The fulfilment of the fundamental obligation of member States to submit reports under the ILO Constitution was the basis of the work, not just of this Committee, but of the whole supervisory machinery. If governments did not send their reports on the application of ratified Conventions, the ILO supervisory machinery would not work, at least not effectively. The Employer members pointed out that if countries did not fulfil their reporting obligations, then it would be very difficult to evaluate the important issue of whether the contents of the Convention concerned were being complied with. In the view of the Employer members, one of the reasons why some governments were not submitting reports was because they could not implement the provisions of ratified Conventions in their national legislation and practice. The Employer members concluded that these countries should be urged to make every effort to supply reports on ratified Conventions, as it was often the same countries which failed to comply with their reporting obligations.

The Worker members considered that respect for the obligation to supply reports was the most important aspect of the ILO’s supervisory machinery. The information contained in these reports was the basis of the work, not just of this Committee, but of the whole supervisory machinery. If countries did not send their reports on the application of ratified Conventions, the ILO supervisory machinery would not work, at least not effectively. The Employer members pointed out that if countries did not fulfil their reporting obligations, then it would be very difficult to evaluate the important issue of whether the contents of the Convention concerned were being complied with. In the view of the Employer members, one of the reasons why some governments were not submitting reports was because they could not implement the provisions of ratified Conventions in their national legislation and practice. The Employer members concluded that these countries should be urged to make every effort to supply reports on ratified Conventions, as it was often the same countries which failed to comply with their reporting obligations.

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A Government representative of Bosnia and Herzegovina explained that the delay in communicating reports under article 22 of the Constitution of the ILO was due to difficulties of internal coordination within Bosnia and Herzegovina. This situation had been noted at the conference on the implementation of the peace agreement held recently in Brussels. From 8 to 15 May 2000, the ILO had organized a training seminar on the application of international labour standards and on the procedures for the submission of reports. In the context of this technical assistance, it had been decided that the two entities of Bosnia and Herzegovina would transmit the reports required to the Ministry of Foreign Affairs, who would subsequently be responsible for communicating them to the ILO. She expressed gratitude on behalf of her Government to the ILO for the technical assistance to remedy the situation. With the support of the ILO/MDT based in Dakar, the Ministry archives had been rebuilt and a complete set of the first and last article 22 reports were available and complete. He reiterated his Government’s previous request that training on standards be provided to the officials from the Ministry of Labour as well as to the social partners.

A Government representative of Burkina Faso referred to paragraphs 82 (failure to supply reports for the past two years or more on the application of ratified Conventions) and 93 (failure to supply information in reply to comments made by the Committee of Experts) of the report of the Committee of Experts and declared that his country had always regularly fulfilled its constitutional obligations. The postponements had been pointed out by the Committee of Experts concerned the year 1999 and were due to administrative constraints. His Government regretted that this delay had taken place, thus impeding the work of the Committee of Experts, and undertook to respect its obligations under article 22 of the ILO Constitution as soon as possible.

A Government representative of Georgia pointed out that his country did not wish to place itself outside the ILO and its activities. In his country, problems with the submission of reports were mainly due to defects on the administrative level. He assured the Committee that his country would fulfill its reporting obligations which it was currently unable to do because of technical reasons. In this regard, his Government relied on ILO technical assistance to comply with its reporting obligations.

A Government representative of Sao Tome and Principe stated that his Government recognized the obligations incumbent upon it, but due to problems of internal organization and technical reasons, as well as the existence of a certain degree of administrative instability, it had been unable to comply with them. His Government undertook to take all the measures necessary to comply with its obligations, particularly regarding the supply of reports, and he expressed his interest in obtaining the technical assistance of the ILO.

A Government representative of Sierra Leone informed the Committee that his country's failure to submit reports was due not to lack of political will but rather to the fact that over the last nine years Sierra Leone had been engulfed in a civil war which had witnessed the wanton destruction of lives and property including the Ministry of Labour. Despite the extremely difficult environment in which his Ministry had had to work, he was very much concerned by the country's failure to report on ratified Conventions. A letter explaining this situation had already been addressed to the ILO. Now that his country was engaged in a reconstruction process, it was his firm intention to ensure that his Government fulfilled its reporting obligations in future. His Government had therefore asked for ILO technical assistance to remedy the situation. With the support of the ILO/MDT based in Dakar, the Ministry archives had been rebuilt and a complete set of the first and last article 22 reports were available and complete. He reiterated his Government's previous request that training on standards be provided to the officials from the Ministry of Labour as well as to the social partners.

A Government representative of the United Republic of Tanzania assured the Committee that her Government recognized the importance of supplying reports on ratified Conventions, and undertook to submit, as soon as possible, reports on the remaining
Conventions. In this regard her Government had communicated reports on the Forced Labour Convention, 1930 (No. 29), Minimum Age (Industry) Convention (Revised), 1937 (No. 59), Right to Collective-Bargaining Convention, 1949 (No. 98), Abolition of Forced Labour Convention, 1957 (No. 105), Minimum Wage Fixing Convention, 1970 (No. 131), Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), and Tripartite Consultation (International Labour) (Revised) Convention, 1976 (No. 144). Furthermore, dialogue between the Ministry of Labour and the social partners had ensued for the purpose of ratification of the four remaining unratified core Conventions. She was happy to report that these efforts were fruitful and that the Freedom of Association and Protection Against the Rights of Organizers, 1948 (No. 98), had been ratified earlier this year, and that the Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Worst Forms of Child Labour Convention, 1999 (No. 182), had been communicated to the Government and the social partners. The remaining three Conventions would be ratified before the end of the year 2000. Finally, she pointed out that failure to comply with reporting obligations was also due to resource constraints and that her Government would appreciate technical assistance from the ILO in terms of training personnel in the standards field on a continuous basis.

The Worker members observed that only a few of the countries which had been invited to speak on their failure to supply reports had actually done so, while the other countries were absent or not accredited to the Conference. These countries had referred to several factors which explained their failures, such as crisis situations or the conflicts which had been experienced in their countries, the lack of competent staff, the lack of sufficient resources, administrative obstacles, and governmental reluctance to ratify Conventions. However, there was consensus that these factors could not be grounds for the lack of cooperation. The Committee is convinced that these efforts were fruitful and that the Freedom of Association and Protection Against the Rights of Organizers Convention, 1948 (No. 98), and the Abolition of Forced Labour Convention, 1957 (No. 105), had been communicated to the Government and the social partners. The remaining three Conventions would be ratified before the end of the year 2000. Finally, she pointed out that failure to comply with reporting obligations was also due to resource constraints and that her Government would appreciate technical assistance from the ILO in terms of training personnel in the standards field on a continuous basis.

The Employer members endorsed what had just been concluded by the Worker members. The explanations given by some governments for not fulfilling their obligations with respect to reporting were not known to this Committee. With regard to the Government representative of Burkina Faso who had indicated that his Government had only failed to supply reports in 1999, the Employer members recalled that his country had been mentioned in the section of the report which enumerated those countries not having sent reports for a number of years. The Employer members suggested that sanctions could be imposed in cases where reports had not been sent for five or more years. Of course, if such a decision were to be taken, a constitutional amendment would be required. Serious considerations should be given to this idea and it was their hope that it would oblige countries to be more disciplined in complying with their reporting obligations. The Committee recalled the fundamental importance of the supply of reports on the application of ratified Conventions, not just of their supply as such, but of doing so within the stipulated time limit. This obligation constituted the foundations of the supervisory system and the Committee expressed its firm hope that the Governments of Afghanistan, Armenia, Bosnia and Herzegovina, Burkina Faso, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Georgia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, United Republic of Tanzania (Zanzibar), the former Yugoslav Republic of Macedonia, Montenegro, as well as to date, submitted reports on the application of ratified Conventions would do so as soon as possible. The Committee decided to mention these cases in an appropriate section of its General Report.

(b) Failure to supply first reports on the application of ratified Conventions

The Employer members noted with regret the number of countries that had failed to supply first reports. It was difficult to understand the reason for this problem since, if a member State ratified a Convention, it was assumed to have already examined its law and practice in the relevant area and should not therefore experience any difficulties in supplying its first reports. However, failure to supply first reports was a serious matter and the Committee had stressed the particular importance of first reports, which detailed any changes a country had made to its legislation and practice in order to comply with the Convention ratified. Moreover, first reports were the basis on which the Committee of Experts made its initial assessment on the application of ratified Conventions. Accordingly, the Employer members urged that the Committee prompt the countries concerned to make a special effort to supply the first reports as soon as possible.

The Worker members endorsed the statement made by the Employer members concerning the importance of first reports, and stressed the urgent need for the countries concerned to do so. The Committee recalled the fundamental importance of submitting first reports on the application of ratified Conventions. It is important to submit first reports on the application of ratified Conventions, not just of their supply as such, but of doing so within the stipulated time limit. This obligation constituted the foundations of the supervisory system and the Committee expressed its firm hope that the Governments of Afghanistan, Armenia, Bosnia and Herzegovina, Burkina Faso, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Georgia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, United Republic of Tanzania (Zanzibar), the former Yugoslav Republic of Macedonia, Montenegro, as well as to date, submitted reports on the application of ratified Conventions would do so as soon as possible. The Committee decided to mention these cases in an appropriate section of its General Report.

(c) Failure to supply information in reply to comments made by the Committee of Experts

The Employer members noted that the Governments' obligations to submit replies to comments made by the Committee of Experts formed part of the general reporting obligations of member States and expressed concern at the increasing number of countries which failed to supply replies to comments made by the Committee of Experts. Uzbekistan was one example of a country that had not submitted its replies to comments. The Committee stressed the importance of submitting replies in a timely manner, and the need for the countries concerned to comply with their obligation. The Employer members reiterated the crucial importance of submitting first reports on the application of ratified Conventions. The Committee decided to mention these cases: since 1992: Liberia (for Convention No. 133); since 1995: Armenia (for Convention No. 111), Kyrgyzstan (for Convention No. 133); since 1996: Armenia (for Conventions Nos. 100, 122, 135 and 151), Grenada (for Convention No. 100), Uzbekistan (for Conventions Nos. 47, 52, 103 and 122); and since 1998: Armenia (for Convention No. 133). The Committee noted that these failures were due to a variety of reasons, including a lack of resources, administrative obstacles, and governmental reluctance to ratify Conventions. The Committee stressed the urgent need for the countries concerned to do so. In addition, the Committee underscored the importance of submitting replies in a timely manner, and the need for the countries concerned to comply with their obligation. The Employer members reiterated the crucial importance of submitting first reports on the application of ratified Conventions. 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to supply information in reply to the comments of the Committee of Experts remained valid.

A Government representative of the Central African Republic pointed out that his Government had discharged its obligation to supply information in reply to the comments of the Committee of Experts in February 2000.

A Government representative of Denmark noted that the Faeroe Islands had failed to comply with its constitutional obligations. He noted that his country was independent in the area of social politics, and that, since his Government’s best efforts, it could not require the Faeroe Islands to comply with its reporting obligations. He nevertheless assured the Committee that his Government would continue to do its utmost to encourage the Faeroe Islands to supply the reports due.

A Government representative of France stated that his country constituted a type of a borderline case. As Conventions ratified by France had been declared applicable to several non-metropolitan territories by virtue of article 35 of the ILO’s Constitution, his Government had had to submit a very high number of reports on the application of Conventions (234 reports in 2000). Possible additional ratifications by France would further increase this number, as well as the scope of the dialogue with the Committee of Experts. From Geneva, reports on the application of ratified Conventions and exchanges with the Committee of Experts may seem to be of lesser importance. Without in any way providing a justification, the realities were such that the French Government’s efforts to supply the reports due were affected by coordination difficulties with its numerous and dispersed counterparts, as well as a lack of administrative rigour and bad habits. These realities did not correspond to any desire by the French Government to disseminate anything. The situation noted by the Committee of Experts would therefore improve considerably in the future.

A Government representative of Guinea-Bissau stated that his Government had taken note of the comments of the Committee of Experts and undertook to take steps to reply to these comments. An ILO mission was soon to arrive in his country with the aim, interim committee, of dealing with this matter. The Ministry of Public Administration and Labour had been restructured to enable the competent bodies to fulfill their obligations in line with the New Reconstruction process in the country.

A Government representative of the Islamic Republic of Iran indicated that her Government’s reports on the Conventions in question were being prepared and finalized and that the reports would be transmitted to the ILO within the next three months.

A Government representative of Jamaica regretted that his country had failed to submit timely reports. However, he pointed out that it had been impossible for his Government to fulfill its reporting obligations due to staff changes in the Ministry of Labour. These changes had taken place at critical times for the section responsible for the application of ratified Conventions. Reports had been corrected and reports would be submitted to the ILO within the next three months. He thanked the ILO’s Caribbean Office for its assistance and assured the Committee of his Government’s full confidence in future cooperation.

A Government representative of Kenya expressed his regret that his country had not submitted timely responses to comments made by the Committee of Experts. He noted that his Government had submitted some of the replies and he assured the Committee of Experts’ reports, and was always ready to engage in a dialogue with the Committee of Experts on his country’s law and practice relating to ratified Conventions. His Government had made efforts to handle ILO reporting obligations due to staff changes in the Ministry of Labour.

A Government representative of Malaysia explained that technical reasons had prevented the supply of information in reply to comments by the Committee of Experts. Although the replies had been drafted by the Ministry of Labour, they had not been sent on by the Prime Minister’s Department. He undertook to supply the requested information in the near future.

A Government representative of the Netherlands (Aruba) expressed regret that his country had once again been called upon to explain its position concerning its failure to fulfill its obligations to supply information in reply to comments made by the Committee of Experts. He reiterated the information provided in previous years to the effect that Aruba was a full and equal member of the Kingdom of the Netherlands and was therefore itself fully responsible for fulfilling its international obligations. The European partner of the Kingdom could therefore do little when Aruba fell behind in fulfilling its reporting obligations. However, he reported that during recent contacts with Aruba he had been told that a number of reports and answers to the comments of the Committee of Experts had been prepared and were on the point of being sent. He nevertheless reiterated his great regret that a country such as his own, which prided itself on being sufficiently efficient, had failed to discharge important obligations and he hoped for an improvement in the near future.

A Government representative of Nigeria observed that it had been difficult for his country to supply reports during the period 1994-98 because of the political situation in the country, which had adversely affected its labour administration. The dissolution of the National Executive Council of the Nigeria Labour Congress had made the National Labour Advisory Council (NLAC) moribund for that period. In the absence of the NLAC, it had not been possible to consult with employers’ and workers’ organizations on the reports due to the ILO. However, he affirmed that his Government had amended the anti-labour legislation which had been condemned by the Committee of Experts. He reported that the NLAC had recently been reconstituted and would meet in due course to deal with all outstanding labour matters. He appealed for cooperation and support in his country’s efforts to sustain its nascent democracy.

A Government representative of Sao Tome and Principe stated that he regretted this situation, particularly since his Government had been cited on three occasions in the list of automatic cases. He also referred to the Committee of Experts’ reports on Conventions Nos. 11, 42, 111, 138, 144 and 161. However, reports had not been provided on several other Conventions. He explained that his country had experienced staffing problems in the elaboration of the above reports. However, recent information indicated that the required reports on Conventions Nos. 12, 17, 89, 130, 148, 155 and 160 had been completed and would be communicated to the ILO in July or August after translation into English or French. He apologized for the delay.

A Government representative of Swaziland explained that he could neither confirm nor deny receipt of the requests for the reports from the Committee of Experts. This was because the office of the Commissioner of Labour was located some distance from that of the Principal Secretary of the Ministry. He therefore suggested that all ILO correspondence should be addressed to the Principal Secretary, but using the address of the Commission-
er of Labour, who would take the necessary action on all such official correspondence. His country undertook to check whether the requests from the Committee of Experts had reached the office of the minister responsible for labour and either take appropriate action to send the reports to the ILO or inform the ILO that they had not been received.

A Government representative of the United Republic of Tanzania acknowledged his country's failure to comply with reporting obligations, which had been due to human resources problems, as she had explained previously with regard to Zanzibar. In relation to Conventions Nos. 17 and 144, she observed that the request for information by the Committee of Experts had arisen mainly from the poor drafting of the reports submitted and she undertook to resubmit fuller reports in the near future. With regard to Conventions Nos. 63 and 137, she said that technical assistance might be required for their application. Finally, with regard to Convention No. 148, she acknowledged the existence of problems and the delays incurred in providing the reform of the labour legislation. She re-emphasized the importance of replying to the comments of the Committee of Experts and undertook to supply reports promptly once technical assistance had been provided.

A Government representative of Trinidad and Tobago apologized for the adverse effects her country's failure to supply the requested reports had had on the work of the supervisory mechanisms. She reaffirmed that her Government was very mindful of the comments made by the Committee of Experts and had actively been seeking to take the necessary action to bring its law and practice into line with the provisions of ratified Conventions. The delay in supplying the requested reports was therefore deeply regretted. The Ministry of Labour in her country was especially desirous of finding its own equilibrium in an era of modernization and strategic planning. Her Government undertook to provide comprehensive responses within the deadline period.

A Government representative of Uganda noted that although his country had submitted a total of 14 reports, it had failed to provide the reports requested on Conventions Nos. 105, 144, 154, 159 and 162. While he was in Geneva, he would contact the Office to review the action necessary in this regard as soon as possible. There were a number of technical reasons why his country had not fulfilled its reporting requirements. In the first place, his Government had recently carried out an administrative restructuring, with a downsizing of the staff. Difficulties had also arisen in coordination between the ministry responsible for labour matters and other ministries, which had sometimes been slow to provide the necessary information. He added that the process of reforming the labour legislation had taken a long time. However, the Workers' Compensation Act had been approved by parliament earlier in the year and was now ready to receive presidential assent. Technical assistance had been received from the ILO and UNDPCG concerning other labour legislation. He thanked the ILO for its support and technical assistance and looked forward to continued cooperation in the future.

A Government representative of Yemen stated that his Government had stressed the importance of ratifying international labour Conventions. The question of the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), had been submitted to the competent authorities. The instrument of ratification of the Minimum Age Convention, 1968 (No. 138), had been sent to the ILO and the Government had taken all the necessary measures for the ratification of the Minimum Age Convention, 1973 (No. 136). The Government ensured the supply of reports on ratified Conventions, but it required technical assistance from the Office for the proper fulfilment of these obligations. In recent years, Yemen had made great progress in the execution of its reporting obligations. The Government had thoroughly examined the observations which the Committee of Experts had addressed to it in its last report and had submitted its comments to the ILO on a regular basis. He apologized for the delays incurred, which would be remedied as soon as possible.

The Employer members noted that a variety of explanations had been given by governments concerned with regard to their failure to reply to the comments made by the Committee of Experts. In some cases, rather bizarre explanations had been given. The number of countries listed, and the fact that one of them had failed to reply to the comments made on 29 Conventions, meant that it was almost impossible to utilize the work of the supervisory mechanisms. They also noted the indications made by many governments that a lack of resources and rapid changes in personnel had caused their failure to reply to the comments of the Committee of Experts. In this respect, they recalled, in the case of changes in the staff dealing with matters related to international labour standards, the relevant professional competence needed to be transmitted. It would not be justified to request technical assistance from the ILO on every occasion that the personnel changed. They emphasized that the obligation to reply to comments made by the Committee of Experts had formed part of the general reporting obligations of governments.

Finally, if a decision were to be taken to introduce sanctions in cases of serious failure to comply with reporting obligations, such sanctions should also be applicable in the event of failure to reply to the comments of the Committee of Experts. Several governments had not spoken on the issue, despite the opportunity afforded to them. Additional steps needed to be taken by these governments to meet their reporting obligations and it was hoped that the situation would improve next year. They emphasized that incomplete reports affected the ability of the Committee of Experts to carry out its functions effectively. Therefore they urged the governments concerned to take all the necessary measures.

The Committee took note of the diverse information provided and noted an inadequate reply by the Government representatives. It insisted upon the great importance, for the continuation of an essential dialogue, of communicating clear and complete information in response to comments made by the Committee of Experts. It reiterated that this was an aspect of the constitutional obligation to report. In this connection, it expressed its profound concern at the very high number of cases of failure to supply information in reply to comments made by the Committee of Experts. It reiterated that assistance from the ILO could be requested by governments in order to overcome any difficulties they might be facing.

The Committee urged the governments concerned, namely Afghanistan, Antigua and Barbuda, Bosnia and Herzegovina, Burkina Faso, Central African Republic, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Fiji, France (French Guiana and St. Pierre and Miquelon), Gabon, Guinea-Bissau, Islamic Republic of Iran, Jamaica, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Malaysia, Netherlands (Aruba), Nigeria, Saint Lucia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Sudan, Tajikistan, Togo, United Republic of Tanzania, Uruguay, the Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda and Yemen to spare no effort to provide the information requested as soon as possible. The Committee decided to mention these cases in the appropriate section of its General Report.

1 The list of the reports received is to be found in part I C of the Report.
Saint Lucia. Since the meeting of the Committee of Experts, the Government has sent the report on Convention No. 98.

Slovenia. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee’s comments.

Sweden. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee’s comments.

Uruguay. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee’s comments.
Convention No. 29: Forced Labour, 1930

India (ratification: 1954). A Government representative noted the comments of the Committee of Experts and recalled that the Government had submitted two reports to the Committee, one of which related to the matters raised in the International Confederation of Free Trade Unions (ICTFTU). He wished to address the three major issues raised by the report: bonded labour, child labour, and prostitution and sexual exploitation.

Regarding bonded labour, he recalled the historical background of India’s efforts to combat this problem. He noted that the Karachi Congress in 1931 had addressed the issue of the abolition of serfdom, long before India had ratified Convention No. 29. Furthermore, article 22 of the Indian Constitution of 1949 prohibited bonded labour. But in 1954 India had ratified Convention No. 29. Twenty-two years later, the Bonded Labour System (Abolition) Act, 1976 and the Bonded Labour System (Abolition) Ordinance 1975 were passed, as were a number of local ordinances and regulations prohibiting bonded labour. The fight against bonded labour had been a prime objective of past governments, and figured prominently in the Twenty Point Programme for the Nation under the Prime Minister Indira Gandhi.

It was of paramount importance to arrive at a precise definition of bonded labour. He noted that bonded labour was characterized by an unequal exchange system, where one person rendered his services or the services of any of his family members under compulsion to another in order to pay off a debt, and as a consequence was denied freedom of movement, choice of occupation, remuneration, minimum wage. He also stressed that it was difficult to identify bonded labourers and to collect reliable statistics on them. Section 13 of the Bonded Labour System (Abolition) Act provided for the establishment of vigilance committees at district and subdivisional levels to maintain close surveillance on the occurrence of bonded labour in the area. However, section 13 did not prescribe the procedure for these vigilance committees to identify bonded labourers. Drawing on his personal experiences as a socio-legal investigator of the Supreme Court on bonded labour matters, the speaker observed that the orthodox approach of asking persons whether they were bonded labourers would normally not elicit a reliable response, since many such persons were too intimidated or ignorant of their rights under the law to have confidence in the investigator. Only through a non-traditional and non-confrontational approach could investigators win the trust of bonded labourers and hear their stories. The establishment of reliable statistics depended on the orientation and training of local magistrates and members of the vigilance committees to adopt such an approach when investigating bonded labour. The establishment of reliable statistics was also complicated by the numerous languages and dialects used in India and the frequent migration which characterized the informal sector.

Once bonded labourers had been identified, the next step was their release, which also presented certain difficulties. He pointed to a recent Supreme Court decision which ruled that it was not sufficient to prove a creditor-debtor relationship in order to prevent a relationship of labour without remuneration being considered as bonded labour. He noted that in challenging the validity of a person’s freedom, the law provided that the court order him free, or he or she was obliged to do so, due to an advanced loan or some other exploitative economic arrangement. This judgement had been communicated to the districts and subdivisions and was hoped to facilitate the release of bonded labourers.

It was also essential to understand that the problem of bonded labour was inextricably tied to the greater socio-economic problems of unemployment, landlessness, poverty, and migration. He stated that despite the enormous political will of the current government, it had not succeeded in eradicating poverty. Therefore, the full eradication of bonded labour would only be possible through a holistic and parallel approach to dealing with the nation’s economy.

Rehabilitation was the next important step after a bonded labourer had been identified and released. The speaker recalled that the Bonded Labour Rehabilitation Scheme of 1978 provided for assistance and funding for rehabilitation measures, which included the allotment of land, the development of land already owned, credit, subsistence, education, skill training and the support of women and children. He recalled that up to March 1999, over 200,000 bonded labourers had been released and rehabilitated, and that 17,000 were in the process of being rehabilitated. Despite such progress, further funding and research was needed.

Concluding his statements on the issue of bonded labour, the speaker indicated that a full-fledged division in the Ministry of Labour was devoted to bonded labour, and that screening committees had been established which would assure that funds released for programmes for the eradication of bonded labour were efficiently used. The Ministry of Labour also ensured that any complaints received regarding bonded labour were communicated to the district magistrate, with strict deadlines for a response, and follow-up procedures to ensure the receipt of such responses. He noted that the federal government’s role was to coordinate a national policy on bonded labour, but that it was ultimately the State’s responsibility to ensure that such policies were implemented. Finally, close collaboration with NGOs would assure the full outreach of such programmes.

Turning to the problem of child labour, the Government representative emphasized the national Government was totally committed to the elimination of child labour. He recalled that the Child Labour (Prohibition and Regulation) Act, 1986 prohibited the employment of children under the age of 14 in hazardous industries. Parts A and B of this Act prohibited child labour in 64 industries considered as hazardous, and the Child Labour Technical Advisory Committee established under section 5 of the Act had recommended an additional 37 industries. He noted that the Supreme Court had declared the Act to be constitutional, and that the Government had taken steps to implement the provisions. As with bonded labour, it was difficult to establish reliable statistics on child labour. In this respect, he pointed out that the Supreme Court had set up a fact-finding committee in 1996 and had requested that the Committee communicate its findings to the Government. He noted that the Government had ordered the publication of the report of the Committee, and that the Committee had recommended that the Government develop a national strategy to combat child labour. The Government had established the National Committee for the Eradication of Child Labour, which was responsible for implementing the recommendations of the Committee.

He expressed the hope that the Government of Pakistan would continue to support the eradication of child labour, and he welcomed the recent ratification of ILO Convention No. 182 by Pakistan, which had committed the country to the gradual abolition of child labour, and the establishment of measures to prevent child labor and to provide for educational opportunities for all children. He emphasized the importance of international cooperation in this regard, and the need for all countries to work together to combat child labour. He noted that the Government of Pakistan was currently working on a national strategy to combat child labour, and he hoped that this strategy would be implemented soon. He concluded by expressing the hope that all countries would continue to support the eradication of child labour, and that the international community would work together to combat this problem.
NGOs remained, since these organizations reported that authori-

ty for the extensive additional information supplied to the Committee

essential to develop and assess effective systems to combat the

survey using valid statistical methodology, since accurate data was

conducted by the Gandhi Peace Foundation and the National La-

tion and sexual exploitation of women and young girls. One per-

surely some progress should have been made in half a century.

Bonded Labour System (Abolition) Act had been in existence for

the Committee of Experts had been commenting on this case since

problem of grave magnitude would impede efforts to find a speedi-

even in the face of overwhelming evidence, that the numbers of

wards them. The Worker members felt that the Government was

coordinated strategy involving central and state governments, more

they concluded that there had been little progress made in the case.

enforcement mechanisms were weak. The problem of engaging

NGO, but to date it appeared the women had not been freed nor

bonded labourers. This case and others had been taken up by the

Government's main focus in this regard

public to this problem. The Government's main focus in this regard

was on prevention. In closing, he noted that the provincial govern-

ment of Uttar Pradesh had commissioned a study on child prostitu-

tion and requested that all of this information be submitted to the Com-

mittee on such measures, particularly on the steps being taken and

Although the Worker members were disappointed that the Central

comments that state governments had been asked to form vigilance

committees, as required under section 13 of the Bonded Labour

Act, to enable them to maintain close and constant supervision over

the problem. They asked the Government to supply detailed infor-

mation on those states that had set up such committees, including

on how the committees are staffed and their manner of operation,

on the number of complaints received, the time period for resolu-

tion of complaints and public awareness-raising measures taken.

Vigilance committees could constitute an important tool to combat

forced labour at the grass-roots level. However, despite the Gov-

ernment representative's statements, the committees did not ap-

pear to be working well. As an example, Anti-Slavery Internation-

al, an NGO, had reported an incident in the state of Punjab, where

authorities had failed to respond to complaints made by the public

to this problem. The Worker members stressed the need to determine the extent of

this survey immediately and stated that, if technical assistance was

necessary to conduct the survey, the ILO could certainly provide it.

The Worker members stressed the need to determine the extent of

the problem in order to allocate the resources necessary to eradi-

cate them. Further, an effective system of inspection at all levels was needed and

the Government was encouraged to work with the social partners

and other organizations to strengthen its work.

Referring to the Committee of Experts' comments regarding

bonded labourers rehabilitated under the centrally sponsored

scheme in Tamil Nadu, Uttar Pradesh and Orissa, the Worker

members asked the Government to provide details on the number

of rehabilitated bonded labourers who had benefited from these

benefits and how much had been set aside for this purpose.

The Worker members referred to the Committee of Experts' comments that state govern-

ments had been asked to form vigilance committees, as required under section 13 of the Bonded Labour

Act, to enable them to maintain close and constant supervision over the problem. They asked the Government to supply detailed information on those states that had set up such committees, including on how the committees are staffed and their manner of operation, on the number of complaints received, the time period for resolution of complaints and public awareness-raising measures taken. Vigilance committees could constitute an important tool to combat forced labour at the grass-roots level. However, despite the Government representative's statements, the committees did not appear to be working well. As an example, Anti-Slavery International, an NGO, had reported an incident in the state of Punjab, where authorities had failed to respond to complaints filed with the District Magistrate on behalf of 11 women bonded labourers. This case and others had been taken up by the NGO, but to date it appeared the women had not been freed nor had the landlords been punished. It was clear that the enforcement mechanisms in India must be strengthened and there must be guidelines to ensure that the Supreme Court's ruling was applied. In respect of child bonded labour, the government statistics did not indicate what percentage of bonded labourers were children, although NGOs noted that the system of bonded labour was often exploited by working as bonded labourers, often to pay off their parents' debt, despite national legislation preventing parents from engaging in the practice of pledging their children. Further, referring to the Committee of Experts' comments on the lack of inspections of small production units under the Factories Act, the Worker members considered the exclusion of such units from coverage under the Act to constitute a violation of the Convention. They urged the Government to amend the law to protect bonded labourers employed in such units. Noting that article 24 of the Indian Constitution prohibited the employment of children under 14 in any factory, mine, or other hazardous employment, the Worker members asked the Government to provide information on the number of employers who had been prosecuted for employing children in violation of this article.

Referring to the Committee of Experts' comments on the seri-

ous problem of child prostitution and sexual exploitation of women

and girls, the Worker members noted the lack of reliable statistics

on the number of prostitutes, including child Devadasis and Joginis. Although the Worker members were disappointed that the Central Advisory Committee was only now thinking of framing recommen-
dations and a plan of action for the rescue and rehabilitation of child prostitutes, this was still a positive effort. The Worker

members urged the Government to supply full information to the Com-

mittee on such measures, particularly on the steps being taken and

the resources being allocated to educate child labourers and child

prostitutes as part of the rehabilitation process.

In its observation, the Committee of Experts identified three areas

of forced labour: bonded labour, child forced labour and prostitu-
tion and sexual exploitation of women and girls. One per-

sistent problem noted by both the Committee of Experts and this Committee was the absence of any report on the number of bonded labourers in India. The figures cited by the Government representative were inconsistent with those found in its own survey, conducted by the Gandhi Peace Foundation and the National La-

don and the government statistics did not indicate what percentage of bonded labourers were children, although NGOs noted that the system of bonded labour was often exploited by working as bonded labourers, often to pay off their parents' debt, despite national legislation preventing parents from engaging in the practice of pledging their children. Further, referring to the Committee of Experts' comments on the lack of inspections of small production units under the Factories Act, the Worker members considered the exclusion of such units from coverage under the Act to constitute a violation of the Convention. They urged the Government to amend the law to protect bonded labourers employed in such units. Noting that article 24 of the Indian Constitution prohibited the employment of children under 14 in any factory, mine, or other hazardous employment, the Worker members asked the Government to provide information on the number of employers who had been prosecuted for employing children in violation of this article.

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mittee on such measures, particularly on the steps being taken and

the resources being allocated to educate child labourers and child

prostitutes as part of the rehabilitation process.
The Employer members referred to the Committee of Experts’ observation that the vigilance committees were not working well. Noting the Government representative’s statement that a certain urgency and priority was being given to this problem, the Employer members requested information on the number of federal and state civil servants working on a day-to-day basis, particularly in the field, attempting to identify and eradicate practices of bonded labour. With regard to the lack of reliable statistics, the Government representative had confirmed, in speaking with the parties concerned. However, the Employer members agreed with the Worker members that it was necessary to ascertain the number of people affected in order to have a basis for evaluating the situation and therefore required the Government to supply the results of the survey conducted in this regard.

Commenting on the increase in bonded labour, the Employer members considered the rehabilitation projects initiated by the Government to be insufficient. While they had limited success, they asked the Government to supply information on the amount of money allocated to these projects, an assessment of its sufficiency and on any measures taken to ensure that rehabilitated bonded labourers were not forced back into bondage.

As to the information requested in paragraph 7 of the Committee of Experts’ report, it was not enough merely for the Government to supply the data requested. Noting that the Bonded Labour System (Abolition) Act had been in place for over 24 years, it was time for the Government to determine what worked, and what did not work, and to make the necessary changes. This evaluation should include the question of the effectiveness of vigilance committees as well as the new information given by the Government representatives on such committees.

The Employer members noted that, despite the measures taken by the Government, child labour remained a substantial problem. They requested the Government to indicate the manner in which it was going to monitor and legislate in respect of child labour to be removed from employment in hazardous industries. The Employer members also asked the Government to supply in full the information requested by the Committee in paragraph 12 of its observation.

With regard to the issue of child prostitution, the Employer members recalled the 1998 discussion before this Committee on the existence of child welfare programmes for the protection and rehabilitation of children. There again, the Government needed to evaluate what was working and what was not and adjust its strategy accordingly. While the Committee recognized the difficult economic and social circumstances in the country, they considered that the Government should nevertheless place a greater priority on resolving the problem of forced labour.

The Worker member of India noted that, despite India’s ratification of the Convention 46 years ago and its enactment of relevant legislation almost 25 years ago, the serious problem of forced labour remained. Reliable statistics on the number of bonded labourers were not available, primarily because of the clandestine nature of this type of employment. Employers would not admit to having bonded labourers for fear of penal action, while workers would not complain of the situation for fear of losing their livelihood. With regard to the Government’s statement on the number of bonded labourers rehabilitated, the Worker members noted that the Government representative had not clarified the nature of the rehabilitation provided, nor had information been supplied regarding the number of bonded labourers that might have been forced back into bonded labour, including migrating labourers. The Government should undertake to obtain accurate data on this question. A large portion of bonded labourers in India were in rural areas and rural landlords and moneylenders systematically exploited the rural poor, who were forced to borrow money at exorbitant rates of interest. Since they were landless, the Government were landless, they were forced to work on others’ land to provide for their children to work. The high interest rates charged made these loans impossible to pay off. The implementation of structural adjustment programmes required by the IMF and the World Bank had caused the rural labour system continued in rural India, particularly in the absence of genuine land reform and the Government’s failure to take steps to stop this exploitation.

He noted that India’s vast population was increasing annually. The rehabilitation statistics supplied by the Government representative did not take into account new bonded labourers and new child labourers and he noted that this phenomenon continued to increase with the rise in population. Moreover, the number of persons living below the poverty line (52 per cent according to World Bank estimates) had increased in India over the last decade. Under these circumstances, he considered that official measures taken by the Government did not even begin to address the problem and, in fact, he believed that the Government’s policies only added to poverty in rural areas.

The question of bonded labour was closely linked with child labour. India employed the largest number of child labourers in the world. Although the Government had enacted the Child Labour (Prohibition and Regulation) Act, 1986, the Supreme Court of India had directed employers guilty of using child labour to pay an amount of 20,000 rupees per child in compensation, which would be deposited in a special rehabilitation fund. However, the Government had not provided information on any amounts recovered from employers to date. Moreover, with regard to the Committee of Experts’ comments on the lack of labour inspections in small production units under the Factories Act, 1948, he indicated that child labour and bonded labour existed in large numbers in such units.

In respect of the projects initiated by the Government, he noted that the trade unions had asked the Government to permit the social partners to monitor the progress of these programmes, but that the Government had not provided information required for monitoring. The Worker member stressed that the Government’s political will to resolve this problem was absent today. He stressed that there were laws and regulations prohibiting forced labour in India, but what was important was actual practice. Referring to the upcoming global report, he hoped that the Government would prepare a plan of action in cooperation with the social partners in the context of the global report for next year.

The Employer member of India considered that the detailed information supplied by the Government representative had repeated in large part to the Committee of Experts’ observation. Commenting on the issue of the disparities in the statistics on bonded labour, he relied on the statistics given by the Government representative which indicated that 280,340 bonded labourers had been identified and that only 17,000 remained to be rehabilitated. He characterized these as positive statistics. Recalling that India had been the first country to join IPEC in 1992, he asserted that child labour and bonded labour no longer existed in the formal sector. If it did persist, this problem would be found only in the informal sector.

He referred to Articles 23, 24 and 25 of the Convention and noted that the Government’s political will to resolve this problem was absent today. He stressed that there were laws and regulations prohibiting forced labour. While he noted that the Indian Government’s political will to resolve this problem was absent today. He stressed that there were laws and regulations prohibiting forced labour, he commented that, in India’s case, the complaint had been initiated by only one NGO Anti-Slavery International — and not by the social partners. The Committee of Experts should not take cognizance of a complaint filed by an NGO in the same manner as a complaint from the social partners, because NGOs had no reciprocal obligations and commitments. Since NGOs were outside the framework of tripartism, they should not have any right to put a sovereign country in the dock.

The Worker member of Japan appreciated the measures taken by the Government to eliminate bonded labour in certain industries, the number of children working in those industries had increased over the past 14 years. Children still worked in agriculture, construction, mines, fisheries, matchbox factories, glass factories, the bidi industry and other sectors. They would die of diseases, obtaining economic and social development was achieved. Therefore, a firm commitment to the core labour standards remained necessary. He noted that India had ratified the Convention almost 50 years ago, but that many children remained working in ha-
What was required was a consistent effort to disseminate information on the provisions of the law and to carry out training programmes at all levels, particularly for local vigilance committees, to examine closely the reasons which made the poor send their children out to work. The State also needed to direct more resources to education and to build up social security systems to help poor families. The problem of child labour, in particular forced child labour, was a neighbour of India and faced many of the same problems. He thought that the problems could be eliminated overnight by edict or statute, which would merely tend to make them go underground. He encouraged the Committee to show patience and to give the Government and the social partners in India a chance to address the problem effectively.

The Worker members thanked the Government representative for the information provided. They noted that they had raised a number of questions with a view to helping the Government address the issue raised by the Committee of Experts. They welcomed the news that the ratification of Conventions Nos. 138 and 182 was under consideration. They continued to urge the Government to take the necessary measures to eradicate the problem of child forced labour and called for more international support, including funding from international agencies. With regard to the issue of the disputed figures concerning bonded labour, they noted that different methods had been used by the Government and the other organizations responsible for carrying out surveys. They therefore agreed with the comments made by the Committee of Experts concerning the vital importance of accurate data and urged the Government to undertake the necessary surveys based on agreed statistical methodologies. They emphasized that the statistical produced were not mere numbers, but concerned human beings, and that it was essential to know how many were involved before effective action could be taken. Finally, with respect to the concerns addressed by the Committee of Experts, they recalled that the Government had ratified the Convention and was required to meet the obligations deriving from it.

The Employer member of Pakistan recalled that his own country was a neighbour of India and faced many of the same problems. He expressed his trust in India's strong and sincere commitment to the abolition of forced child labour. The Worker member of Pakistan recalled that his own country was a neighbour of India and faced many of the same problems. He expressed his trust in India's strong and sincere commitment to the abolition of forced child labour. The Worker member of Pakistan recalled that his own country was a neighbour of India and faced many of the same problems. He expressed his trust in India's strong and sincere commitment to the abolition of forced child labour. The Worker member of Pakistan recalled that his own country was a neighbour of India and faced many of the same problems. He expressed his trust in India's strong and sincere commitment to the abolition of forced child labour.
ed in the near future. The Committee urged the Government in particular to provide an assessment of the effectiveness of the various measures put into place to combat forced and compulsory labour.

Sudan (ratification: 1957). A Government representative of Sudan stated that he had not believed that this case would be selected to appear before the Committee. He added that the Committee of Experts had contained numerous positive comments on progress in the situation in Sudan, and it indicated his Government's willingness to comply with the recommendations of the Committee. He further recalled that the report of the Committee of Experts on the situation in Sudan had noted that slavery and forced labour were against the cultural values and heritage of his country and illegal under Sudanese law and the Constitution. He further recalled the General Assembly resolution of this year which had made no mention of slavery and acknowledged that abolitionists had been maintained in the context of the situation. He recalled that the issues raised in the report originated in the armed conflict currently raging in Sudan. Turning to government efforts to combat forced labour and slavery, he recalled the Decree of May 1999 which established the Committee for the Eradication of Abduction of Women and Children (CEAWC). This body had the full powers and mandate to seek the safe return of abducted women and children, investigate reports of abduction, prosecute perpetrators, and develop means to eliminate practices related to forced labour. He noted that the work of the CEAWC had resulted in the resolution of 1,230 cases of abduction and had returned 1,258 abducted persons back to their families. Further fact-finding missions, sites for victims of abductions, and the establishment of temporary camps for displaced persons were planned in the year prior to the closing. He recalled that the United Nations Commission on Human Rights had expressed satisfaction last April with the situation in Sudan. He stated that the CEAWC would continue to operate and conduct further investigations in order to address the issues raised in the report. He emphasized, nonetheless, that the clear cause of abductions was the civil war and that the Government was using all means at its disposal to bring this conflict to an end.

The Worker members were deeply concerned by the need to continue to work together on the application of the Convention in Sudan. The case had already been the subject of special paragraphs in 1992, 1993, 1997 and 1998. The comments by the Committee of Experts and the statements of the Government representative gave no sign, despite some scheduled initiatives, of genuine progress towards the eradication of forced labour and slavery in the country. The Committee of Experts examined allegations of abductions and trafficking of women and children, enslavement, and forcible induction of children into rebel armed forces. According to consistent and reliable sources, such practices were still going on in Sudan. The last communication sent to the Committee of Experts by ICFPU contained detailed information on specific cases of abductions, enslavement, sexual abuse, forced conversions to Islam, and forced labour involving women and children in various parts of southern Sudan.

According to a report drawn up by the UN Special Rapporteur on the situation of human rights in Sudan following a visit to the country in February 1999, Mujahideen militia "... systematically rape, pillage, kill, kidnap and capture women and children as war booty. Often, abducted women and children are taken up to the north and remain in the possession of the captors or other persons". What made this case even more serious was mounting evidence of direct government involvement in these activities. The Committee of Experts noted in this regard that the UN Special Rapporteur had also raised the problem of involvement by allies, and even troops, of the Government in forced labour and slavery. The communication before the Committee of Experts referred to testimonies and other information on how the Government encouraged forced abductions by arming militias and how the police failed to act on complaints of alleged abduction. As UNICEF recently pointed out, there was irrefutable proof of various forms of slavery being practised in Sudan. Moreover, all of the facts reported over the past several years by various UN agencies and by independent non-governmental organizations pointed to continuing abductions of women and children, the systematic practice of slavery and forced labour, and the complicity of troops and allies of the Government.

It should be observed that the attitude of the Government had evolved since the Committee began examining this case. At first, the Government categorically denied the existence of slavery in the country in its oral and written communications to the Committee. It did not agree to any requests for technical assistance. It was unwilling to supply the detailed information requested by the Committee. It was the Government's task to ensure that law and order prevailed and it had to do more to that effect than it had done until now. While the positive developments noted were welcomed, the continued lack of real change was regrettable. With reference to the Committee of Experts' reports, this Committee should note the positive developments, but also emphasize the need for the Government to take concrete action. They agreed with the proposal by the Worker members to recommend a direct contacts mission which should be competent to examine the situation in all regions and provide a report on the overall situation. This report should note the advances which were made, those which were not, and any penalties which may have been imposed for slave-taking, including penalties imposed among troops of the Government and its militia allies. Lastly, the Government should indicate whether it accepted assistance from the Office and notably the visit of a direct contacts mission which had been scheduled in an unfettered manner and at the request of the General Assembly resolution. The Committee of Experts noted that information should cover action taken on the ground to end this scourge, the concrete results obtained as a result of such action, statistical data on the number of persons freed, action undertaken with a view to their return home and rehabilitation, and any penalties which may have been imposed for slave-taking, including penalties imposed among troops of the Government and its militia allies. Lastly, the Government should indicate whether it accepted assistance from the Office and notably the visit of a direct contacts mission which had been scheduled in an unfettered manner and at the request of the General Assembly resolution.

The Employer members recalled, in similar terms as the Worker members, the comments by the Committee of Experts. They noted that the first report from the Committee on the Eradication of Abduction of Women and Children, created in May 1999 by the Government, had reported on various missions and fact-finding missions in Sudan. This report was silent as to such measures and did not demonstrate an interest in genuine progress towards the eradication of slavery and slave-like practices throughout the country, as well as any measures taken to halt them.

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cultural context. He recalled the particular geographical and demo-
graphic configuration of the region, which had given rise to the existence of numerous tribes with different traditions. While this coexistence had traditionally been relatively balanced, external provocations had caused civil strife to erupt resulting in the taking of prisoners and consequent retaliatory measures. The Govern-
mount had, however, been condemned by the international community and had succeeded in releasing and returning prisoners, including women and children, to their families. He emphasized that war was the cause of the problems, and that it was necessary to address the causes of the conflict. The government worked to ensure that justice was had been restored. He firmly maintained that Islam condemned the use of force and slavery. He strongly urged the Committee to allow the Government to pursue its efforts to remedy the situation.

The Worker member of Turkey expressed his deep regret to have to declare that the Sudanese authorities had been willing to take action in response to what they acknowledged to be abductions and forced labour, they continued to deny that they had occurred. He stated that the Sudanese Government in southern Sudan had repudiated per slave, the equivalent of US$35 or two goats. The slaves had been redeemed for US$133 or for ten heads of cattle per slave. According to reports, the prices of slaves had varied. In 1997 slaves were reunited with their families. It was estimated that between 5,000 and 10,000 children had been redeemed. The redemption activities were still ongoing. In March 2000, when 4,968 black African slaves had been freed in the period from 9 to 19 March, the price was 50,000 Sudanese pounds per slave, the equivalent of US$35 or two goats. The slaves redeemed had testified that they had been abducted by the National Islamic Front, mainly by its Popular Defence Force (PDF). There was ample evidence that there were systematic raids of villages, killing of men and abduction of women and children. He noted that if the Government of Sudan had acknowledged any problems such as those alleged, it would have been more likely to be overcome if the Government had been willing to give the resources necessary to ensure that those who were freed were reunited with their families. It was estimated that between 5,000 and 10,000 children had been freed since 1985. However, according to unofficial estimates, some 14,000 people in Darfur and Kordofan might have been "abducted" and needed to be reunited with their families. Most were reported to be female and children. Hundreds had been released to have been married to men in the community where they had been kept. The CEAWC had been released to have been returned home. The CEAWC had foreseen that a significant number preferred to stay where they were, particularly in the case of children. Furthermore, the CEAWC had foreseen that for securing releases was reported to be particularly complicated in areas inhabited by Baggara Arabs. Some children, whose release had been secured from the Baggara families, for whom they were working, had subsequently been detained by government officials in the absence of adequate protection. Furthermore, plans had been put into effect and had been relatively expensive and the CEAWC had launched appeals for very substantial amounts from donors. The Government of Sudan had not yet demonstrated its own willingness to pay these costs. The CEAWC was also reported to have been unwilling to record details of the identities of the households where abducted women and children had been held. This was apparently because of a concern that householders might not cooperate if they feared future attempts to prosecute them.

While the Government might point to real material obstacles for the reuniting of women and children with their families in Bahr al-
Ghazal or elsewhere, it was evident that many of these obstacles could be overcome if the Government of Sudan wished to do so. Similarly, the Government's failure to order an end to all attacks on civilians in towns such as Aweil and Wau meant that it still appeared to be condoning raids and thus facilitating further abduc-
tions.

In conclusion, he implored the Committee to keep in mind the appalling facts recorded in this case, in particular the sufferings caused to children. There was an urgent need for immediate and substantive action on the part of the Government. The Committee should adopt conclusions in the strongest possible terms. Furthermore, given the weakness of tripartism in Sudan, and the total absence of free trade unions able to make their own independent observations free from government intervention, he urged the Committee to recommend a direct contacts mission so that the Conference Committee and the Committee of Experts would have a better chance of verifying the situation.

The Worker member of Sudan declared that the assertions made by the previous speaker regarding trade unionism in Sudan were totally untrue. He emphasized that the Confederation of Sudanese Workers was a freely established and democratically elected trade union. The Arab Labour Organization as well as the Organization of African Trade Unions had been present during the elections and won elections.

The Government representative thanked the members of the Committee for their comments on the case. He had hoped that the discussion would be fruitful and constructive and would have taken into account the needs and situation of developing countries. In this regard, he emphasized that trade unionism in Sudan was characterized by the absence of tripartism and the complete absence of free trade unions able to make their own independent observations free from government intervention. He urged the Government to adopt conclusions in their recommendations. The Government representative thanked the members of the Committee for their comments on the case. He had hoped that the discussion would be fruitful and constructive and would have taken into account the needs and situation of developing countries. In this regard, he emphasized that trade unionism in Sudan was characterized by the absence of tripartism and the complete absence of free trade unions able to make their own independent observations free from government intervention. He urged the Government to adopt conclusions in their recommendations. The Government representative thanked the members of the Committee for their comments on the case. He had hoped that the discussion would be fruitful and constructive and would have taken into account the needs and situation of developing countries. In this regard, he emphasized that trade unionism in Sudan was characterized by the absence of tripartism and the complete absence of free trade unions able to make their own independent observations free from government intervention. He urged the Government to adopt conclusions in their recommendations.
to their families. With regard to the reference made by one speaker to the railroad linking the north and the south of his country, he emphasized that the railroad linked those in the south of the country with both the north of Sudan and the rest of the world. He refuted any suggestion that it had been constructed for the purpose of slavery and reaffirmed that its purpose had been to facilitate progress and development in south Sudan. In conclusion, he undertook to cooperate with the Conference Committee and the Committee of Experts in providing all the information requested. He emphasized the need to develop suitable machinery to address the problems in cooperation with the international community and in compliance with his national Constitution and beliefs.

Another Government representative, the Minister of Manpower and Development, added that the statements made by the members of the Committee had been extremely dramatic, but had not taken into consideration the progress that had been realized. He stated that as many as 70 per cent of the southern Sudanese lived in the north of the country or in areas which were under rebel control. Many of the alarmist reports were concocted by the rebels to place his Government in a bad light. It needed to be taken into account that 30 per cent of the Sudanese army was composed of persons from the south of the country, who would certainly not allow their own kinsmen to be enslaved. He did not deny that excesses were committed in certain conflict-affected areas. Before the outbreak of the war, the Government had taken security measures to ensure that such practices did not occur. However, since 1983, the situation had deteriorated. Citing once again the report of the United Nations Human Rights Commission, he emphasized that his Government stood for openness and transparency and for this reason had welcomed many parliamentary delegations to the country to observe the situation for themselves.

In response to a proposal that the Government should invite a direct contacts mission to come to Sudan, he stated that his Government had welcomed any initiative by the ILO to address the issue. He proposed that discussions should be held with the higher authorities of the ILO with a view to arranging a visit in the future.

The Government representative stated his objection to the use of the word "slavery" in the Committee’s conclusions. The last report of the United Nations Special Rapporteur had only used the term "abduction". He also stated that he had not rejected the idea of a direct contacts mission, but had only stated conditions for ranging it.

United Kingdom (ratification: 1931). A Government representative indicated that his Government fully supported Convention No. 29, and took the Committee of Experts’ observations very seriously. The issue of work in prisons was discussed at length by the Committee last year when it considered individual cases under Convention No. 87. It was recognized that the complexity surrounding the interpretation of some aspects of the Convention, drafted in the 1930s, in a contemporary setting, particularly in the context of public and private sector partnerships, was itself a matter of debate.

Another Government representative emphasized that the Committee had not yielded any new information and had been focused on facts already taken into account by the Government in its replies to the Committee of Experts and to the Conference Committee. Another Government representative, the Minister of Manpower and Development, added that the statements made by the members of the Committee had been extremely dramatic, but had not taken into consideration the progress that had been realized. He also stated that he had not rejected the idea of a direct contacts mission, but had only stated conditions for ranging it.
search had also shown that vocational training courses applied to a targeted group of prisoners could lead to a reduction in reconviction rates.

Finding suitable work for prisoners was difficult. It needed to correspond to individuals with a range of abilities. The growing experience of prison services was that the best way to find suitable work for prisoners was to contract with private companies, and the United Kingdom ensured that suitable safeguards were in place to stop the exploitation of the prisoners. The training, supervision and control of Prison Service officials. Prisoners received pay for the work they did. Wages were paid to prisoners by the prison and not by the private company providing the work.

A small number of United Kingdom prisons were managed under contract with private sector companies. These prisons — nine out of a total of 14 — were required to conform to the same policies and to meet the same standards as publicly managed prisons. They were subject to the same regimes of independent inspection. They were required to meet the same standards and conditions of work as those for prisoners in public sector prisons. Prisoners working in either contracted-out prisons or workshops did so under the same conditions as those working in public sector prisons. Contractually managed prisons were obliged to comply with all legal health and safety requirements.

No prisoner — whether in a publicly run, or privatized prison or workshop — was placed at the disposal of private company employers. While private sector companies might supervise the work on a day-to-day basis, the prisoner remained under the ultimate care and control of Prison Service officials. Prisoners received pay for the work they did, but the work was supervised by the prison and not by the private company providing the work.

The Government considered that its present policies for the employment of prisoners conformed with the requirements of the Convention. Its former report had pointed out the problem of rehabilitating prisoners, but the Government believed that the work or service was carried out under the supervision and control of a public authority and that the persons concerned were not hired out or placed at the disposal of private individuals, companies or associations. In his Government’s view, there was no alternative to its present policies which would not severely reduce the volume and quality of work available to prisoners, to their direct disadvantage and to the wider detriment of its objectives of rehabilitation. The Government continued to believe that the provision of suitable work opportunities for prisoners, including by private companies under the supervision of the Prison Service, was in line with the general aims and objectives of the Convention and other good practices, such as the European Prison Rules and United Nations Minimum Standards.

In his Government’s view, it was clear from last year’s discussions before the Conference Committee that the principle of prison labour needed to be given further and wider consideration. The speaker was pleased to note that the Committee of Experts had recognized that it was a very important matter. His Government intended to address the matter in its next report in the light of responses to last year’s general observations. As the United Kingdom had made clear in the general discussion, it intended to participate fully in those discussions. In the meantime, his Government continued to believe that the issue with its social partners. The United Kingdom would also continue to supply information to the Committee of Experts through its next report on the application of Convention No. 29 and would respond in full to the direct requests.

The Employer members noted, with regard to the Committee of Experts’ comments concerning the United Kingdom, that the provisions in respect of overseas domestic workers had been amended and that there had been improvement in this area. However, the question of its current standard application remained and the Employer members asked the Government to supply information in its next report on the impact of the new legislation. With regard to the issue of prisoners working for private companies, they noted that the Committee of Experts had interpreted the Convention to provide for circumstances under which prisoners were not hired to or placed at the disposal of private individuals, companies or associations. If this case was to be addressed under the Convention was silent on this point with regard to outside prison labour. However, it was well established that prisoners were not as productive as other workers and the risk of harm or damage was higher. Because of these conditions, prisoners did not receive much work from outside employers and therefore could not provide employment for prisoners in private enterprises. The Employer members believed that it was important for prisoners to perform meaningful work which would allow them to be reintegrated into society and help prevent recidivism. Such work helped the prisoner to acquire employment-related skills as well as the opportunity to receive an income. In conclusion, they indicated that a broader approach to this issue should be taken by the Committee. Noting that the Convention was drafted before the issue of private prison labour arose, they asserted that it was necessary to look at the benefit to society as well as to the prisoner. The public authorities must retain supervision and control over the prisoners and determine the conditions under which a prisoner would carry out work for a private company. While this matter had not been discussed at the Committee’s meeting, it was felt that the issue for some time, the dialogue should be continued and more attention should be paid to this growing practice.

The Worker members noted that greater attention had been devoted by the Committee of Experts and the Conference Committee to the issue of prisoners working for private companies, and a dramatic increase in the practice had been noted. The Committee of Experts had again commented on Convention No. 29 with regard to the United Kingdom. However, it had also commented on the use of private prison labour in Cameroon. Therefore, there was an emerging jurisprudence on private prison labour which would be strengthened next year when the Committee of Experts would again address the issue of prisoners being ‘hired to or placed at the disposal of private individuals, companies or associations’. Moreover, next year’s Global Report would focus on Conventions Nos. 29 and 105, which might provide yet another opportunity to focus on the exploitation of private prison labour. The Worker members welcomed the increased attention being devoted to this growing global practice and considered the Committee of Experts’ efforts to clarify the provisions of the Convention as an example of the ability of the supervisory machinery to apply a Convention adopted over 70 years ago to new developments and modern circumstances.

The Worker members recalled that private prison labour was clearly prohibited under Article 2(2)(c) of the Convention. However, in an attempt to accommodate what was increasingly seen as a positive prisoner rehabilitation practice, namely the voluntary acceptance of work outside prison, the national authorities were called upon to take steps to ensure that prisoners were not hired to or placed at the disposal of private individuals, companies or associations. Moreover, next year’s Global Report would focus on Conventions Nos. 29 and 105, which might provide yet another opportunity to focus on the exploitation of private prison labour. The Worker members welcomed the increased attention being devoted to this growing global practice and considered the Committee of Experts’ efforts to clarify the provisions of the Convention as an example of the ability of the supervisory machinery to apply a Convention adopted over 70 years ago to new developments and modern circumstances.

Turning to paragraph 4 of the Committee of Experts’ comments regarding prisoners in outside employment, the Employer members noted that their situation did not exist when the Convention was adopted in 1930. Therefore, the Committee of Experts may not have had this situation in mind. It might be addressed under Article 2(c) of the Convention, which provided that a person convicted by a court could be required to work under two conditions. First, the work or service must be carried out under the supervision and control of the public authority and, secondly, the prisoner could not be hired to or placed at the disposal of private individuals, companies or associations. In this case it would be addressed under the provision mentioned, these two conditions must be met. In the case before the Committee, the work or service could not be due to the fact that the Convention was not violated as long as the prisoner remained under the supervision and control of a public authority and was not placed under the complete authority of private companies. They noted, however, that the Committee of Experts’ interpretation followed the strict wording of the Convention. The Employer members then raised the question of the conditions under which prisoners could work and disagreed that prisoners working for private companies should be subject to the same employment conditions as in the private labour market. They had raised the question of its practical application remained and the Employer members would again raise the issue of prisoners being ‘hired to or placed at the disposal of private individuals, companies or associations’. Moreover, next year’s Global Report would focus on Conventions Nos. 29 and 105, which might provide yet another opportunity to focus on the exploitation of private prison labour. The Worker members welcomed the increased attention being devoted to this growing global practice and considered the Committee of Experts’ efforts to clarify the provisions of the Convention as an example of the ability of the supervisory machinery to apply a Convention adopted over 70 years ago to new developments and modern circumstances.

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ment's comments in the Committee of Experts' report and before the Conference Committee concerning the implementation of new rules adopted in 1958 protecting domestic workers. Noting that overseas domestic workers were especially vulnerable to subjection to exploitation, they requested the Government to continue to provide updated information to the Committee of Experts on the effectiveness of these new rules.

Turning to the issue of prisoners working for private companies, they noted that the Committee of Experts' comments addressed outside employment as well as contracted-out prisons and prison industries. The Committee of Experts' comments indicated that prisoners employed outside prisons were subject to income tax and national insurance contributions from the moment they were employed. The Government had stated that it was prison service policy that such arrangements did not give an unfair competitive advantage to enterprises employing prisoners and must not treat prisoners less favorably than other workers in comparable employment. Therefore, it should be easy for the Government to include prisoners under the national minimum wage laws as requested by the Committee of Experts. With regard to contracted-out prisons and prison industries, the Committee of Experts was absolutely clear in paragraph 8 of its comments that, even if a prisoner remained under the supervision and control of the public authority, this did not dispense with the requirements of Article 2(2)(c). The prisoner must freely consent to the work and the work must be performed under normal conditions regarding wage levels, social security and other safeguards. The Worker members noted the Government's statement in paragraph 12 of the Committee of Experts' comments that most of the work undertaken in prisons involving external contractors "is labour-intensive and if done externally could not be done economically. In the case of prisoners taking the work, the processes would be automated or taken abroad". This situation was not unique to the United Kingdom. They requested more information on the Government's views that private prison labour was the only way to meet the country's economic needs and services that the market failed to provide and that the exploitation of private prison labour was a way for developed countries to compete with the lower labour costs in developing countries.

In conclusion, the Worker members emphasized that they were not opposed to effective rehabilitation of prisoners, and favoured giving them greater work, education and training opportunities. However, they found it objectionable that, in the United Kingdom and a growing number of countries worldwide, private companies could exploit prison labour by legally employing prisoners far below the minimum wage. Apparently, the motive for such exploitation was not rehabilitation but profit. This practice was in clear violation of the Convention and could not be tolerated. The Committee of Experts had made it clear that the growing practice of prisoners working for private companies could in fact be consistent with the provisions of the Convention. Therefore, the Worker members called for the Government to take all the necessary steps to establish the circumstances which would allow prisoners to work in conditions approximating a free employment relationship as required by the Convention. Ending the exemption relieving private companies of the obligation to pay the minimum wage to prisoners would be a good beginning. However, on a more fundamental level, the Worker members requested the Government to create a legal framework for the establishment of a direct contractual employment relationship between the company and the prisoner.

The Employer member of the United Kingdom supported two points made by the Government representative. First, the current policies relating to private prisons were in conformity with the Convention. Second, there were no realistic alternatives to the current policies which would not severely reduce the volume and quality of the work available to prisoners. She also supported the continued ability of the private companies to contract out the management of prisons. However, this did not mean that British employers supported the exploitation of prison workers. They fully supported the aim of the fundamental Convention. It was clear from Article 2(2)(c) of the Convention that, where a prisoner was regarded as being free and the Government recognized was: (1) carried out under the supervision and control of a public authority; and (2) that the person was not hired to or placed at the disposal of private individuals, companies or associations. There was no reason to believe that the Convention had not been met where work given to prisoners and therefore had ultimate control and supervision over the provision of work under the contract, although the private company had a day-to-day supervisory function. Moreover, the contractual arrangements were not comparable to those which would normally be regarded as a hiring arrangement because, if they were comparable, then the private company would be paying the public authority as providers of the prisoners' services. This was clearly not the case, since the roles here were reversed. In addition, prisoners were not at the disposal of private companies because the companies did not have absolute discretion over the type of work that they could request the prisoner to do. Companies could only ask prisoners to perform tasks that they could be required to do in a public prison, such as rehabilitative work and duties within the prison. Private companies running private prisons were therefore simply agents of the public authority and were limited by the rules set by that authority.

If the United Kingdom were in violation simply because there was direct supervision and control, they would be left with only one option—to show that the work done in prisons was not in fact forced or compulsory pursuant to Article 2(1). She pointed out that the Committee of Experts had previously held that private companies could require prisoners to carry out work under the supervision and control of the prison service, there being no employment relationship. It had also found that work done by a prisoner for a private individual—whether under a contracting-out scheme or work for a private enterprise brought into a public prison—could be considered to be employment under the Convention. Therefore, the private company was in conditions approximating free employment. The Committee of Experts had therefore requested that the Government implement legislation requiring private companies to pay the national minimum wage, execute an employment contract with the prisoner and provide other employment-related benefits. She submitted that this was not the only conclusion that could be supported under the provisions of the Convention. She considered that there was no need for a prisoner to have a normal employment relationship with the private company to ensure that the prisoner had been treated under the Convention, the employers supported the exploitation of prison workers. They fully supported the aim of the fundamental Convention. It was clear from Article 2(2)(c) of the Convention that, where a prisoner was regarded as being free and the Government recognized was: (1) carried out under the supervision and control of a public authority; and (2) that the person was not hired to or placed at the disposal of private individuals, companies or associations. There was no reason to believe that the Convention had not been met where work given to prisoners and therefore had ultimate control and supervision over the provision of work under the contract, although the private company had a day-to-day supervisory function. Moreover, the contractual arrangements were not comparable to those which would normally be regarded as a hiring arrangement because, if they were comparable, then the private company would be paying the public authority as providers of the prisoners' services. This was clearly not the case, since the roles here were reversed. In addition, prisoners were not at the disposal of private companies because the companies did not have absolute discretion over the type of work that they could request the prisoner to do. Companies could only ask prisoners to perform tasks that they could be required to do in a public prison, such as rehabilitative work and duties within the prison. Private companies running private prisons were therefore simply agents of the public authority and were limited by the rules set by that authority.

Turning to the issue of prison labour, he noted that the Worker members had already reacquainted the Committee with the basic issues in the case. He stressed that the requirements of the Convention were set out in the public discussion document of the United Kingdom and which the domestic worker was admitted to the United Kingdom was not recognized under British law, so that normal legal employment protections did not apply. He considered that the unequivocal recognition of this relationship would represent a significant step forward.

The Employer member of the United Kingdom first turned to the part of the Committee of Experts' comments regarding domestic workers from abroad, noting that some work progress had been made, but that room for improvement remained. He described a meeting he had held with the Immigration Service in support of the aims of the Convention, including the development of regulations for domestic workers, and the Immigration Minister of the Home Office to address problems facing domestic workers previously admitted to the country who had left their original employer due to abuse or exploitation. The Government was determined to improve the situation of these workers and the Home Office had conformed to the points agreed upon. However, Kalayaan had recently expressed concern to the Immigration Minister regarding three cases refused because of their submission following the deadline for regularization applications, cases that the Home Office had agreed to consider on their merits. He hoped that these cases as well as the issue of post-deadline submissions were being reconsidered. However, the underlying problem, which still appeared to be unresolved by the public authorities, was the fact that the domestic worker was admitted to the United Kingdom was not recognized under British law, so that normal legal employment protections did not attach. He considered that the unequivocal recognition of this relationship would represent a significant step forward.
research were then compared with the Convention's requirements and the Committee of Experts' findings. The research was carried out following a meeting in December 1998, when TUC officials and the General Secretary of the Prison Officers' Association met with the then Prisons Minister to discuss the divergence between law and practice in the United Kingdom and the requirements of the Convention. The Minister had invited them to visit both privately run prisons and state-run prisons to talk to prisoners and prison managers about work undertaken by condemned prisoners within the prison. The researchers visited three prisons: a state-run remand prison for young women; a state-run open prison for men; and a contracted-out (privately run) local male prison. He spoke to prisoners in all three prisons and in two of them, including the privately run prison, he spoke to prison governors, prisoners engaged in a concrete and concrete-mixing process, and a number of prisoners were working inside the prison for private companies. He also pointed out that the work—although he acknowledged that the prisoners were paid a maximum of £25 for a 35-hour week, while prisoners engaged in concrete and concrete-mixing processes were generally referred to as "uneconomic"—was performed in state-run prisons (which was in most cases supervised by prison staff), none of the other types of work met any of the criteria. In the other cases, particularly in the privately run prison, the contractual relationships were not being performed in a fair way. In this case, the work—although he acknowledged that the situation in the United Kingdom did not involve physical mistreatment of prisoners by private companies such as beatings or torture and that some of the work in fact contributed to the prisoners' sense of purpose—was performed in state-run prisons. He observed that the requirements of the Committee of Experts were not being met. The researcher for the Australian Government had noted at that time that the Australian Government had found itself before the Conference Committee that prisoners in the United Kingdom did not have a choice as to whether or not they would work and that, in addition, the requirements of the Committee of Experts were notmet. He added that the Working Group of Experts for maintaining its stance that the obligations arising out of Convention No. 29 were the same for all ratifying States. He requested that the Conference Committee make clear to the United Kingdom its obligations under the Convention. Stressing his belief that the problems were not insurmountable but required political will, he welcomed the prospect of future discussions and hoped that the Government would uphold its obligations and demonstrate its commitment to the rule of international law, particularly in regard to fundamental human rights.

The Government member of Australia made it clear that Australia strongly supported Convention No. 29 as one of the ILO's core standards. He recalled that Australia had been called before the Committee last year to report on the status of the Convention for which the United Kingdom Government found itself before the Committee this year. At that time, the Australian Government had made substantive submissions on the matter, which could be found in the record of the 81st session of the Conference of the Committee. He recalled that it was clear from the preparatory reports from 1929 that the situation of the private administration of prisons had not been considered by the Conference in 1929. Rather, the focus of the Convention was the farming out of prisoners to private employers. The Australian Government had also noted at that time that although Convention No. 29 was a self-contained instrument, it was applied against the background of developing international law. He stated that in the supervision of compliance with the Convention, attention should be paid to the realities of the Convention and the criteria established by the Committee of Experts were not applied. He also stated that it should not be surprising that the way prison labour was organised in the United Kingdom did not have a choice as to whether or not they would work and that, in addition, the requirements of the Committee of Experts were not met. He added that the Working Group of Experts for maintaining its stance that the obligations arising out of Convention No. 29 were the same for all ratifying States.

In conclusion, he believed that constructive and "decent" work was an essential element in the rehabilitation of prisoners. At Hewell Grange, pre-release schemes were in fact approximating the requirements of the Committee of Experts. He noted that such schemes useful to facilitate the reintegration of prisoners from society and the labour market. However, he stressed that when prisoners were paying their debt to society, society should be represented by the State, not by the shareholders of private companies. However humane the treatment of working prisoners, there would be no potential and often actual victims of exploitation as long as the criteria established by the Committee of Experts were not applied. The speaker agreed with the other Worker members that the obligations of the Convention and the United Kingdom Government found itself before the Committee this year.

He recalled that this was why the Committee of Experts had held that the ban on work for prisoners for private companies should apply, a fortiori, to all work performed in private prisons and pointed out that convicted prisoners in the United Kingdom could in fact be required to work whether or not they had been convicted. Turning to the publicly run open prison, he noted that a variety of work performed in pre-release schemes, while a very small number of prisoners were working inside the prison for private outside companies. Some of prisoners, despite the good intentions of the prison governor, prisoners engaged in a concrete and concrete-mixing training course were working for an outside private company that had a contract with the prison and were receiving £5-10 for a 35-hour working week—only 8 per cent of the minimum wage. While none of these prisoners had expressed the view that they were receiving a living wage, they believed that there was no genuine free consent in their situation and that they were clearly victims of exploitation. With regard to "normal prison work" being performed inside the privately run prison, he noted that this was work that was performed for and under the supervision of a private company. He recalled that this was why the Committee of Experts had held that the ban on work for prisoners for private companies should apply, a fortiori, to all work performed in private prisons and pointed out that convicted prisoners in the United Kingdom could in fact be required to work whether or not they had been convicted. In conclusion, he believed that constructive and "decent" work was an essential element in the rehabilitation of prisoners. At Hewell Grange, pre-release schemes were in fact approximating the requirements of the Committee of Experts. He noted that such schemes useful to facilitate the reintegration of prisoners from society and the labour market. However, he stressed that when prisoners were paying their debt to society, society should be represented by the State, not by the shareholders of private companies. However humane the treatment of working prisoners, there would be no potential and often actual victims of exploitation as long as the criteria established by the Committee of Experts were not applied. The speaker agreed with the other Worker members that the obligations of the Convention and the United Kingdom Government found itself before the Committee this year.

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addressed in 1929 was no longer appropriate today. Secondly, it highlighted the need for a process to review and upgrade any shortcomings in the standards system which were identified in such a manner. The standard provisions might not be sufficiently explicit in the consideration of such issues as they were identified. Thirdly, this case raised questions about the appropriateness of the current supervisory machinery, including the practice of publishing country-specific observations when the Committee of Experts itself had expressed a concern and intended to refer the matter to general discussion. He stated that the Australian Government had maintained the view for some time that there was a pressing need to reform the standards system of the ILO, and that this case reinforced that position.

The Worker member of Singapore recalled that according to the report of the Committee of Experts, persons leasing under the Prison Rules, 1999, were exempted from the Minimum Wage Act, 1998. In relation to this, the Government representative had stated that its position was to ensure that such arrangements would not give an unfair competitive advantage to those who employed prisoners and that prisoners would not be treated less favourably than other workers in comparable employment. Nevertheless, there was no evidence in the report to indicate how this prison service policy was put into practice, and whether in fact prisoners were paid comparable wages and treated fairly. Furthermore, she noted that such prisoners prison policy was to ensure that such arrangements would not maintain the view for some time that there was a pressing need to reform the standards system of the United Kingdom to respect its obligations under the Convention.

In this respect, he indicated his understanding for the concerns of other workers — and the Government, special casework procedures had been introduced to clear the backlog of outstanding applications relating to the new rules. A significant number of cases had been cleared. He also pointed out that Kalayaan and other relevant organizations had been given direct contact to the Government department responsible for domestic worker issues. With regard to prison labour, he expressed his Government's intention to provide full information for the next report and to discuss the case with the social partners. However, he stressed that the issue of private prison labour went beyond the specific case of the United Kingdom and that it should first be discussed in a general context.

The Worker members expressed strong concerns in regard to suggestions made that the Committee's examination of this case should be suspended until the matter had been discussed in the general report or until the publication of the Global Report. They emphasized that the Declaration on Fundamental Principles and Rights at Work and its Follow-up was not a substitute for the regular supervisory machinery of the ILO. The discussion of the Committee should focus on the United Kingdom and encourage the Government to bring its law and practice into conformity with the Convention.

The Employer members, in reaction to a statement by the Worker members that the Employers' position appeared to be calling for an interpretation of a Convention, recalled that their position had always been strictly against the interpretation of Conventions beyond their wording. Reference was made to the non-identical to jurisprudence. The Employer members that the Employers' position appeared to be calling for an interpretation of a Convention, recalled that their position had always been strictly against the interpretation of Conventions beyond their wording. Reference was made to the non-identical to jurisprudence. The Employer members that the Employers' position appeared to be calling for an interpretation of a Convention, recalled that their position had always been strictly against the interpretation of Conventions beyond their wording. Reference was made to the non-identical to jurisprudence. The Employer members that the Employers' position appeared to be calling for an interpretation of a Convention, recalled that their position had always been strictly against the interpretation of Conventions beyond their wording. Reference was made to the non-identical to jurisprudence. The Employer members that the Employers' position appeared to be calling for an interpretation of a Convention, recalled that their position had always been strictly against the interpretation of Conventions beyond their wording. Reference was made to the non-identical to jurisprudence.
Committee. It also noted that a detailed report had been submitted for examination by the Committee of Experts. The Committee asked the Government to provide further information on the Convention of 5 April 1947, i.e., Labour Inspection, so that the problems workers faced in the country, including its staffing levels, the regularity of inspection visits, the date on which the last annual report on the activities of the inspection services had been issued and the regularity with which such reports were published. In other words, more detail at its next session. It hoped that the Government would continue to examine whether prisoners were released on a daily basis to work in the prisons, which would ensure that prisoners were not required to work, this would be carried out in conformity with the Convention.

Convention No. 81: Labour Inspection, 1947 [and Protocol, 1995]

Mauritania (ratification: 1965). A Government representative of Mauritania declared that his country had undertaken a series of legislative reforms, including the adoption of framework legislation regarding civil servants in 1993. This legislation required the adoption of regulations. The regulations respecting civil servants should be adopted this year. As civil servants, labour inspectors would be covered by these regulations. Furthermore, he noted that the draft regulations elaborated in 1985 with ILO assistance on the status of labour inspectors were no longer up to date. In this context, he requested assistance from the ILO with a view to modernizing the 1985 code. He also requested technical assistance from the ILO for the development of a national minimum wage legislation. As regards the annual reports on the work of the inspection services, the Worker members recalled that the Convention provided that such reports had to be published and submitted to the ILO. However, the Government had submitted no such reports to the ILO since 1987. They therefore urged the Government to indicate the measures it intended to take to implement these provisions of the Convention.

The Worker member of Singapore explained that the Convention imposed the obligation upon ratifying countries to maintain a system of labour inspection for the purpose of ensuring compliance with laws adopted on critical aspects of workers’ welfare, such as safety and health, hours of work, wages and the employment of children and young persons. The Convention was an important instrument in ensuring that laws respecting substantive aspects of employment did not remain a dead letter. A critical component of labour inspection systems was the need for impartial, independent and fearless separation of the inspector from the employment system for labour inspectors which would enable them to carry out their tasks effectively. While the Government had received assistance from the ILO to ensure that the Legislation was adequately comprehensive and to develop regulations respecting labour inspectors, legislation was not sufficient in itself. What was now required was political will to put the law into practice. She also expressed great concern at the repeated failure of the Government to provide annual inspection reports to the ILO since 1987. It could not be over-emphasized that such reports were critical to the enforcement and supervision of the Convention. The Government’s repeated failure to supply reports gave grounds for inferring that it was not complying with the Convention.

The Government representative stated that, if there had been no labour inspection services in his country, his Government would have not ratified the Convention. Although he had no detailed statistics at hand, he still insisted on the fact that labour inspectors had been in Mauritania for more than 30 years ago with ILO assistance to bring the law into conformity with the Convention. Even though the Conference Committee had not examined the case since 1986, the Committee of Experts had continued to raise the issue. The Employer members regretted to note that the draft regulations respecting the conditions of employment of labour inspectors which had been drawn up with ILO assistance over 30 years ago had still not been implemented and that the last report submitted by the Government in September 1998 had been identical to the one submitted the previous year. This meant in practice, that no new report had been supplied which constituted an obvious failure to reply to the comments of the Committee of Experts. The Employer members emphasized that the provisions respecting labour inspection were fundamental to the whole of the ILO’s supervisory system. Only through the information provided by labour inspectorates was it possible for governments to know the actual situation with regard to the application of labour legislation in practice. It was evident that the Government had to submit the annual reports of the labour inspectorate as a basis for the assessment by the Committee of Experts of the application of the Convention. The absence of such reports in the case of Mauritania was indicative of the absence of a functioning labour inspection system. The Convention was therefore clearly not being observed. Indeed, the Committee of Experts would be examining this issue in detail at its next meeting. The Worker members noted that, since then, the Government had provided no information regarding the concrete measures taken to give effect to these intentions. They requested the Government to clarify which measures it envisaged taking to bring the law and practice into full conformity with the Convention.
had been identical. Moreover, since 1987 and despite numerous re-
quests, the Government had not supplied any annual inspection re-
ports to the ILO. The Government must therefore be requested to supply
an annual report on the labour inspection services in order to per-
mit verification of the proper functioning of these services.

The Committee noted the information supplied by the Govern-
ment and representative and the discussion which took place. It noted
that for more than 30 years, and despite repeated requests from the
Committee of Experts, the Government had failed to take the nec-
cessary action in keeping with Article 6 of the Convention to adopt
regulations that offered labour inspectors stability of employment
and independence as regards changes of government and improper
external influences. The Committee also observed that, contrary to
the requirements of Articles 20 and 21 of the Convention, no annu-
al reports had been communicated to the ILO since 1987. The Commit-
tee also noted that, according to information supplied by the Govern-
ment, a 1993 study of the human and financial resource needs for labour administration had been sent to the Office with a view to receiving technical assistance to be financed
by the ILO. It noted that the ILO assistance had been renewed. It there-
fore requested the Govern-
ment to take the necessary measures to ensure the adoption of
regulations concerning labour inspectors. In line with Article 6 of the
Convention, the Committee expressed the hope that the Office
would help the Government secure adequate financial backing for
the project to revitalize labour administration. The Committee
urged the Government to report in detail to the Committee of Ex-
erts in 2000 on the progress made in law and practice in applying this
Convention.

Convention No. 87: Freedom of Association and Protection of
the Right to Organize, 1948

Cameroon (ratification: 1960). A Government representative,
Minister of Labour and Social Affairs, informed the Committee that
the process of revising all the texts had been under way since 1990,
and significant advances had been made with regard to civil liber-
ties, democracy and human rights. It was in this framework that the
1968 Act and section 6 of the Labour Code were in the process of
being modified.

With regard to texts in the social domain, the Labour Code of
1992 provided for tripartite committees (the National Consultative
Labour Committee and the National Committee on Occupational
Health and Safety) to take note of and validate texts prior to their
submission to the Government and their transmission to the Na-
tional Assembly. As the composition of the committees was tripart-
tite and as acute problems had been encountered concerning the
representativeness of the workers' organizations, it had not been possi-
ble to agree on the composition and texts approved by the Com-
tite. Accordingly, the process had therefore been convoked, although significant means had been pro-
vided in the state budget. What was primordial for Cameroon was
not the modification of a law which itself was henceforth null and
void, but the reality. This reality had been brought to the attention
of the ILO and this Committee. On the other hand, the normal
functioning of unions in the public service had been established.
The unions operated without interference from the Government
regarding their constitution, calling strikes and carrying out these
strikes. This was the case of the strikes which had recently taken
place in secondary and higher education. The Government had been
careful to negotiate with the unions, which on this occasion obtained
the release of more than CFA2 billion of arrears for pay-
ment of time worked. The Committee noted that the ILO had
emphasized the importance of closing examination centres and that
the Government thought its practice was in compliance with the objec-
tives of the ILO. The reality of collective bargaining was demonstrated by a
document dated 24 May 2000, which he submitted to the Commit-
tee.

The reality was always more important than fantasies. The Government denounced the incessant harassment to which it

was subject coming from those whose aim was to present a distorted
picture of the truth. It was through ignorance of this reality, the
Government strongly suggested sending a mission of inquiry on site
to verify the reality of the situation in Cameroon. It was of the
highest importance that the realities of the process of reformulating legislative and regulatory
texts in the field. Failing such an on-site mission, it would be diffi-
cult for the Government to provide other information to prove what
was happening on the ground.

The Worker members recalled that this was an old case which
had not shown signs of any meaningful progress. This was mainly
due to the Government's repeated refusal to cooperate with the
Committee and its failure to react to the comments of the Commit-
tee of Experts and the Committee on Freedom of Association. This
case was not complicated; the only obstacle was the Government's
reluctance to address the relevant issues. They recalled that Act
No. 68/LF/19 and Decree No. 69/DF/77 were in contravention of
Articles 2 and 3 of the Convention. Moreover, certain sections of
the Labour Code made persons forming a trade union that had not
yet been registered liable to prosecution. While this provision
mainly applied to civil servants and persons working in the public sector, they recalled that the public sector was a significant employer in
Cameroon.

Responding to the Government's claim that the discrepancies
between legislation and the requirements of the Convention were
small, and that the practice was all that mattered, they recalled that
the Convention required conformity in both law and practice.
Moreover, there was no indication that the Convention was respect-

ed in practice at all. Persons leading unregistered trade unions con-
tinued to be suspended, intimidated, and harassed. In the private
sector, there had been no significant progress in establishing and en-
forcing trade unions, the CTCU and the CSTC, and the Government
continued to be active in fomenting dissent and establishing rival trade
unions in order to weaken the trade union movement. There were
also allegations of deregistration of unions and interference in May
1992. The Government also recalled that the Government's reques-
tive of the ILO were respected in practice.

Cameroon.

23/66
in occupational trade unions affiliated to confederations. Section 2(2) of the Labour Code which had been incorporated into the Law of 12 January 1968, several articles in the Code provided for the trade unions by filing their applications with the trade union registry of the Ministry of Employment, Labour and Social Protection. In the meantime, their unions engaged in all manner of activities including, on occasion, strike action. Nevertheless, under the provisions of Articles 2 and 3 of the Law of 12 January 1968, the Government had used its powers in an attempt to suppress the trade union movement by having called a legal strike. Finally, the May Day demonstration of 2000 had been prohibited by the militarization of the area designated for the holding of the meeting, thereby preventing trade union leaders from having access to it and leading to the wounding of three workers.

In conclusion, the lack of apparent goodwill by the Government was unacceptable and to its discredit. The lack of progress is all the more worrying as it was contributing to a deterioration in the situation. It was urgent for the Committee of Experts to visit the country so that it could make up its own mind, not on the basis of information spread outside the country, but on the actual situation there. Such a mission would make it possible, of the time limits for the Government to ensure that national law and practice was brought into conformity with the Convention.

The Government representative strongly objected to the statements of some speakers, among them the Worker member of Cameroon. He dismissed as allegations the information according to which trade union activists had been wounded by gunshot following the militarization of an area where the May Day holiday had been celebrated this year, and he demanded the names and other details of the alleged victims. He stated that the area had never been militarized. As to the allegation that he had demanded the dismissal of a trade union official, he also demanded copies of the documentary evidence of the allegation. Such was the accumulation of untruths for which there was no substance, that he accused the Government of being guilty of high treason.

He stated that the Committee was faced with the facts of the alleged victims. He stated that the area had never been militarized. As to the allegation that he had demanded the dismissal of a trade union official, he also demanded copies of the documentary evidence of the allegation. Such was the accumulation of untruths for which there was no substance, that he accused the Government of being guilty of high treason.

He concluded by saying that the Committee had been raising the issue of freedom of association in the context of the discussion of the national legislation. The Government had no wish to chop up the CSTC from its post in a private enterprise, but on the actual situation there. Such a mission would make it possible, of the time limits for the Government to ensure that national law and practice was brought into conformity with the Convention.

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He concluded that in his country a reasonable delay would be whatever the Government set itself. The Government had no wish to chop up the 1968 Act or the 1992 Labour Code to make some people happy at a time when it was engaged in the global reform of the country's labour legislation. The Government had political will and the changes suggested by the Committee of Experts would be taken into account when the time was ripe. Lastly, he raised the question of the role of the Committee of Experts as an individual who was passing himself off as the President of the CSTC.

The Worker members explained that the aim of their proposal was to get some movement from the Government, given the lack of progress in the case. In response to the Government representative's statements, the Worker members explained that they had been acting as though the Government's posturing, that the issue of freedom of association was not measurable by the yardstick of the mere existence of a trade union which had sunk. The Government was waiting for an office to be set up to be able to register the organization. This did not prevent it in the meantime from working with organizations affiliated to the Confederation and, in proof of its good faith, it informed the Committee that two Cameroonian Worker members were attending its sitting. One was a member of the Union of Cameroon Trade Unions (USC) and the other belonged to the Cameroon Workers' Trade Union Confederation (CSTC). Contrary to the statements made with threatening implications by certain speakers, the Worker member of the CSTC had not been appointed by the Government. Instead of congratulating the Government on its objectivity and neutrality, it had been the object of recriminations, unfounded allegations and, in short, harassment. He repeated that, although the challenged Decree had not yet been amended, there had been progress in practice and the fact that the Government had entered into negotiations with the USC and the CSTC, which it had acknowledged, recognized, bore this out. As to the pace of government action, he emphasized that it was not within the competence of the unions and that neither they nor the ILO could run the country in the Government's stead. Nor could the Government substitute itself for Parliament. Some speakers had referred to "a reasonable delay". He re-joined that in his country a reasonable delay would be whatever the Government set itself. The Government had no wish to chop up the 1968 Act or the 1992 Labour Code to make some people happy at a time when it was engaged in the global reform of the country's labour legislation. The Government had political will and the changes suggested by the Committee of Experts would be taken into account when the time was ripe. Lastly, he raised the question of the role of the Committee of Experts as an individual who was passing himself off as the President of the CSTC.

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The Employer members, in response to the Government representative's statements, considered that the Committee was faced with the same situation as in previous years and indicated that the
same conclusions from last year would need to be repeated again this year in a special paragraph.

The Government representative declared that it was useless to focus on the need to change a word or a section in a decree. It was more appropriate to concentrate on reality. Hence the need to send an investigatory mission to Cameroon which would make it possible to confront reality and to verify the facts so that the Committee could examine the relevant law and practice in this case.

The Committee took note of the oral statement made by the Government representative and the discussion that followed. The Committee recalled that this case had been discussed on numerous occasions over the last two decades. The Committee recalled with great concern that for many years the Committee of Experts had been formulating comments on the discrepancies between national legislation and the requirements of the Convention. In particular, it stressed the need to delete the imposition of previous authorizations for the constitution of trade unions of public servants and for joining foreign occupational organizations. It also urged the Government to adopt the necessary provisions allowing for the prosecution of persons forming trade unions not yet registered who would behave as if they were registered. The present Committee also noted that sever-

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cially those relating to the supervision of the internal management of trade unions and trade union meetings. Another provision which continued, to pose problems with regard to the Convention concerned the powers accorded to the official representatives of the State to exercise control over the internal management of trade unions. The Employer members noted that the Committee of Experts had included in the Bill, among other matters, the prohibition of strikes in several public services, and the possibility of dismissing trade union officials who had participated in a strike. Regarding the exercise of the right to strike in practice, they referred to the conclusions of the Committee on Freedom of Association in Case No. 1916 according to which the concept of essential services had to be interpreted in the strict sense of the term. In this respect, the Worker members supported the view that the Committee of Experts had once again called upon the Government to take the necessary measures for the amendment of this provision.

The Worker members expressed their deep concern regarding the situation of violence which prevailed in the country against workers and trade union members. Devastating accounts had been provided by witnesses when in general, and the Bill in particular, which did not reflect the true situation in Colombia, in respect of Convention No. 87 were a cause for concern, as had been very precisely expressed by the Workers’ spokesperson, the truth was that the workers were concerned by many issues which today affected all Colombian workers and people. The Government was aware of the existence of a Bill on labour flexibility which, if approved, would give rise to discussions and complaints from the Committee of Experts. The same was the case of the Special Security Bill, as well as the negative of Act No. 550 of 30 December 1999, which in itself constituted a serious threat to workers, collective bargaining and freedom of association. It would be added that the weak point of the status of non-unionization or “profit plans” which were practiced intended to hinder the trade union movement, violating the provisions of Convention No. 87.

Various circumstances made it necessary to discuss this case. Thirty-nine trade unionists had been assassinated since the beginning of this year, almost 2 million people had been displaced by violence, there was an unemployment rate of 22 per cent, the informal economy had reached 56 per cent, there were rural workers without land and an indigenous and unskilled population of workers who lived on the margins of society; and, in general, a situation of democratic instability reigned. These facts encouraged the Workers to look to the international level in the hope of finding initiatives which would soon contribute to a change in the situation. It was necessary to stress that while the Government spoke of a draft bill to determine essential public services, the workers’ organizations had not been consulted in this respect. The Ministry of Labour had shown complacency with regard to the dismissal of thousands of workers, particularly in the public sector, for example, in the Tennis Club of Cúcuta. It was not possible to speak of freedom of association when in the current year workers who had been dismissed in the last 14 months. The Ministry of Labour had also authorized dismissals of workers in the private sector, for example in the Tennis Club of Cúcuta. It was not possible to speak of freedom of association when in the current year workers who had been dismissed by their employer or by public entities. Finally, he pointed out that the Colombian people were dependent upon the decisions of the ILO and that it was appropriate to include this case in a special paragraph so that the Government would not yet again forget the promises it had made to this Organization.

Another Worker member of Colombia, refusing the Government’s statement that the concept of trade union rights would be interpreted as broad as possible, noted that trade union leaders and trade unionists should not be discussed in any violation of the Convention, since the issue of the right to strike was the issue in which the Committee of Experts had expressed concern. Many of the other points raised concerned clear violations of freedom of association. They noted that, with ILO assistance, some amendments had been drafted and that the resulting Bill would have been approved in its first reading in the Congress in July 1999. The question was, however, whether those liberties which had been recognized by the ILO through the Convention in question had given the authorities the right to interfere in the internal affairs of trade unions.

The Employer members recalled that the Committee of Experts nevertheless continued to criticize the proposed amendment to section 486 of the Labour Code on the grounds that empowered the State to exercise control over the internal management of trade unions. They noted that the statement by the Government representative that courts of arbitration had been established in the country. However, information was required on whether the courts could carry out arbitration proceedings independently without the interference of the State. The Employer members agreed with the assessment by the Worker members that the whole process had taken place in an extremely violent climate. They emphasized that while this background information was important, taking everything into consideration, the Government was still obliged to give effect to the provisions of the Convention in national legislation. Even a situation which was similar to civil war should not be used as an excuse for failing to meet the requirements of the Convention. In conclusion, they called on the Government to provide information on the number of readings required for the adoption of the draft amendments and on the time which would be required to complete the legislative process. However, many restrictions on freedom of association still remained in the country. Therefore, they pointed out that the amendment of many of the existing provisions which were in violation of the Convention constituted a first step in the right direction.

The Worker member of Colombia indicated that once again, while the Colombian authorities in particular were acting as if the lamentable spectacle of a Government attempting to defact the attention of the international community with reports and excuses which did not reflect the true situation in Colombia in respect of Convention No. 87, freedom of association and respect for human rights. The Government made great use of a huge capacity to confuse the members of the Committee with matters such as Bill No. 184, which had been approved last week but had not yet received assent. While the legal aspects concerning Convention No. 87 were a cause for concern, as had been very precisely expressed by the Workers’ spokesperson, the truth was that the Government’s statement that questions concerning violent acts against trade union leaders were not to be discussed in the current year, workers who had been dismissed by their employer or by public entities. In this respect, he referred to a quote from a Colombian guerrilla who had stated that it was easier to organize an insurgent group than to form a trade union organization. He indicated that, while the law to bring some legislative provisions into conformity with the freedom of association Conventions had just been approved in Colombia, the problem was one of the non-application of numerous existing laws, for example, he pointed out...
that Conventions Nos. 87 and 98 had been ratified by Colombia in 1976, yet year after year their application continued to be discussed. He stressed that the ILO should continue to follow what was happening in Colombia in respect of the implementation of these Conventions. There was a great respect in Colombia for the ILO and great expectations on the part of workers for what the ILO could accomplish in defending their interests. In this respect, he called for a special paragraph so that the Government would react and in this way continue to show that it had confidence in the recommendations of the Committee on Freedom of Association and the comments of the Committee of Experts.

The Worker member from the United States considered that the physical violence in Colombia was the responsibility of both the Colombian unionists and the employers who were not respectful of the law and carried out their business in a negative way. He stressed that the peace process was a matter of urgency.

The Employer member of Colombia, commenting on the previous statement, said that the government should do nothing less than cite it in a special paragraph. It concerned the violation of human rights in the broadest sense of the term. He maintained that, if the Government did not stop, deter and remedy violence purposely directed against workers or employers, then the situation of violence and the legislative problems could be resolved rapidly and effectively. He expected the government to take effective action to put an end to the situation of violence and peace in Colombia.

The Worker member of Costa Rica recalled that the Colombian trade unionists were found in all the countries of the world, and expressed his confidence that next year the Government would present genuine and concrete solutions.

The Government member of Norway, speaking on behalf of the Conference Committee, stated that the Bill referred to by the Committee of Experts over the last 15 years at least. He suggested that this issue was not related to Convention No. 87 and recalled that the Convention was also violated in matters of less importance. Finally, he asked for this to be mentioned in a special paragraph and expressed his confidence that next year the Government would present genuine and concrete solutions.

The Worker member of Cuba emphasized the repeated violations of the rights of collective bargaining and the right to strike by the employers. He stressed that the peace process was a matter of urgency. The Employer member of Colombia, commenting on the previous statement, said that the government should do nothing less than cite it in a special paragraph. It concerned the violation of human rights in the broadest sense of the term. He expected the government to take effective action to put an end to the situation of violence and peace in Colombia. The Worker member of Costa Rica recalled that the Colombian trade unionists were found in all the countries of the world, and expressed his confidence that next year the Government would present genuine and concrete solutions.

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The Government representative referred to the difficult situation which Colombia had experienced for over 40 years due to the internal armed conflict and stressed that in the last two years it had been possible to bring the parties in the conflict to the negotiation table. One of the parties would be coming to discuss a ceasefire on 3 July 2000, which would help to change the problem of violence.

He emphasized the great progress which had been made in bringing the parties to the peace process. He stressed the importance of the Colombian Government in the process, and mentioned that the Colombian Minister of Labour had not been present at the discussion. They firmly insisted that in Colombia the worker members of trade unions were behind the absence of the Colombian Minister in this particular Convention No. 87. In this respect, he mentioned Act No. 50 of 1990, which had introduced very important amendments and innovations; the 1991 Constitution which consecrated the rights of workers; the strike and collective bargaining and which established that the rights established by this Constitution were those of the worker members of trade unions.

At the same time, he said that a document indicating clearly the changes made in the scope requested by the Committee of Experts had been submitted to the Conference Committee. In February 2000, the direct contact mission had taken note of the draft bills prepared by the Minister of Labour on essential public services where strikes could be prohibited and disputes submitted to compulsory arbitration by one party, and on the right to collective bargaining of public employees which permitted them respectively to present their demands to the authorities. The Committee, he said, had proposed these draft bills which included summary recourse to the judicial authorities against decisions taken by the administrative authority declaring a strike illegal, the inclusion of the expression "collective bargaining" in the text of the law on strike of federations and confederations and the replacement of compulsory arbitration after 60 days of strike action with compulsory arbitration agreed to by both parties. The draft bills and the modifications proposed by the mission were being examined, taking into account in particular that some matters had economic repercussions. Subsequently, the bills would be submitted to the social partners in accordance with existing legal mechanisms. Article 29 of the Constitution guaranteed due process including in the framework of the peace process, negotiations on pensions, employment and taxes, where certain issues raised by earlier speakers would also be discussed. These negotiations would include employers, workers, the Church and civil society.

The Worker member of Colombia, commenting on the motives behind the absence of the Colombian Minister of Labour in this Committee and the reasons expressed by the Government representatives for this, indicated that it should be explained that negotiations were under way which, in principle, the workers had decided to attend in order to discuss specific subjects, but that the absence of the Minister of Labour was due to the fact that the Government was experiencing a serious political crisis.

Another Government representative stated that a special paragraph was not justified, especially since the current Government had achieved significant progress which had not been possible at earlier times. In particular, he said that the Act approved by Congress and the other bills covered all of the points raised by the Committee of Experts. The progress achieved had been the result of work carried out jointly by the Government with the ILO through machinery and negotiation. Furthermore, the current Government was committed to the peace process. As concerned the questions posed by some speakers on the climate of violence, he stated that the Government was not avoiding the debate but rather that this debate would take place, already, in the corresponding body, with the Minister of Labour present.

The Worker members, after having heard the various speakers, observed that no progress had been made in relation to the observations of the experts. The accounts which had been heard confirmed that the employers who were not in the peace process were exposed to violence due to the exercise itself of the commitment which they had undertaken in favour of workers in their quality as trade union members. They repeated their deep concern confronting the international community that the Government was not acting as an intermediary, due to its gravity, figured on a quasi-permanent basis in the agenda of the Conference Committee or the Committee on Freedom of Association. They asked one more time that the conclusions would be included in the report. The employer members regretted not having been able to share their evaluation of the situation with the Employer members during the discussion. They firmly insisted one more time on the gravity of the situation in that country and deplored the fact that the Colombian workers had paid with their lives in too many cases.
up. It was also decided, as the experts requested, to delay trade union elections, which would bring an opportunity for clarification, for the Government considered this a trade union matter for the trade unions to settle free of any meddling from outsiders. Internationally trade unions were merely trade union members, and should be free to take charge of the elections and ensure that they were free and fair; the Government did not wish to take charge of the elections. As to the re-statement of trade union members, the Government considered that this had been an issue of concern for several years, and there was a need to intensify work in this area.

It was, however, unfair to blame the Government for interfering in trade union affairs while asking it at the same time to assign trade union responsibilities to particular individuals. Some trade union members had been reinstated since 1997. The Government had documentary evidence of this and could share it with the Committee. Neither the Ministry of Employment nor the Government would yield to pressure from international bodies to which individuals or national unions were members on the basis of information from certain union representatives in need of a cause. The Government representative told the Committee that the Government was reintegrating FRUD combatants in accordance with last February's peace agreement. The Government, which was organizing a peace conference with individuals who only a short time ago had been laying mines, had no reason whatever to oppose political pluralism or freedom of association.

To close the matter of reinstatement of certain trade union leaders, the experts at the Committee's meeting suggested that the Committee take action as soon as the ILO experts returned to Djibouti. It would plainly be easier to re-instate former public servants than workers in the private sector. However, the Ministry would see that this question was solved. It was intended to use the ILO expert to organize a tripartite seminar on international labour standards and the Declaration on Fundamental Principles and Rights at Work and its Follow-up as well as a seminar on freedom of association so as to make up for the social partners' patient lack of training, which posed a major problem for the Government.

As for section 5 of the Act of Associations, as amended in 1977, the Government fully agreed that changes in the provision should be studied with a view to submitting the necessary amendments to the National Assembly as soon as possible.

Regarding section 6 of the Labour Code, which limits the holding of trade union office to Djibouti nationals, the representative observed that the provision belonged to the old Code of 1952. A new Code had been drafted and comments had been received from the employers. However, progress had been stalled by the trade unions' endless requests for more time. In any event the new draft had away with the provisions referred to by the Committee of Experts.

Lastly, concerning section 23 of Decree No. 83-09/PR/FP of 10 September 1983, which established the conditions governing the right to organize and the right to strike of public servants, the speaker emphasized that the power to requisition was confined to the immediate control of the health, security and social services. Nevertheless, the Government was willing to place new limits on this power if the Committee considered that necessary.

The Worker members appreciated fully to be able to discuss this case with the Government of Djibouti. It was in fact not the first time that this had been the case, and in the course of this, Government members had been invited to submit information to the Committee. In 1999 they would have liked to engage in a dialogue with the Government but the latter was not accredited to the Conference at the time. In its observations the Committee of Experts expressed particular concern for the case of Djibouti. Serious violations of the freedom of association had been established there for several years and there were indications that the situation had improved. The Committee for the Protection of Trade Union Rights, which in 1997 had examined the case concerning freedom of association in Djibouti and continued to do so. In January 1998 a direct contacts mission was conducted, at which time promises were made. The Government undertook to remove the dialogue with the syndicates and the proper worker representatives. However, to this day the Committee on Freedom of Association has not been able to note any tangible progress.

Meanwhile, the situation in Djibouti did not seem to have changed, and one of the few recent causes of workers was thus being violated. The violations established in law and in practice should, furthermore, not be underestimated. According to information supplied by trade unions in Djibouti, it would seem that freedom of association was, in fact, constantly being violated: trade union meetings had been prohibited and so had the right to strike, and the authorities had thus caused the trade unions to lose their right to ballot. The Government's lack of willingness to cooperate with the supervisory bodies had been a clear infringement of Convention No. 87. The second point raised by the Committee of Experts concerned article 6 of the Labour Code which limited the holding of trade union office to Djibouti nationals. This discrimination clearly violated Article 3 of Convention No. 87 which provided for the right to freely elect representatives. Furthermore, the third point raised by the Committee of Experts concerned the right to organize and the right to strike of public servants who exercised authority in the national unions or the national union leaders. The lack of haste the Government was displaying in improving this situation was disquieting. It should act without any further delay.

The Employer members noted that they had hardly had an opportunity to examine the case of Djibouti to date. Although the case had been on the list for discussion last year, it had not been examined since the Government had not registered itself. They further noted that this year the Committee of Experts had indicated that the Government had sent a report. This demonstrated the Government's lack of willingness to cooperate with the supervisory bodies. The Employer members noted the comments made by the Committee on Freedom of Association as well as the results of the direct contacts mission undertaken in 1998 which gave rise to deep concern, since it was not possible to provide the Committee with oral information provided by the Government representative to the Committee, a detailed report in writing was indispensable.

Turning to the issues raised by the Committee of Experts, the Employer members noted that these could be examined in three parts. Firstly, according to section 5 of the Act of Associations, as amended in 1997, prior authorization for the establishment of associations was required for trade unions. Secondly, section 6 of the Labour Code of 1986, as amended in 1997, prior authorization for the holding of public servants' congresses by trade unions was prohibited and had therefore deemed this provision to be in contradiction of the Convention. However, the Employer members considered that this definition of the right to strike had no foundation in Convention No. 87.

In any event, it was a matter of urgency for the Government to take some action. The Employer members had understood from the information provided by the Government representative that a secret ballot was contemplated for the reinstatement of union leaders, and that the reinstatement of such a matter, however, remained unclear. With regard to the Government representative's statement that there was no obstacle to the reinstatement of union leaders in their posts, the Employer members understood this to be a concrete promise. However, in view of the long period of time involved, the Employer members considered that the Government should engage itself in effective collaboration with the ILO. To this effect, it was indispensable for the Government to supply a detailed and comprehensive report reflecting all the issues which had been discussed and the mandate of such a mission, however, remained unclear. With regard to the Government representative's statement that there was no obstacle to the reinstatement of union leaders in their posts, the Employer members understood this to be a concrete promise. However, in view of the long period of time involved, the Employer members considered that the Government should engage itself in effective collaboration with the ILO. To this effect, it was indispensable for the Government to supply a detailed and comprehensive report reflecting all the issues which had been discussed and the mandate of such a mission, however, remained unclear. With regard to the Government representative's statement that there was no obstacle to the reinstatement of union leaders in their posts, the Employer members understood this to be a concrete promise. However, in view of the long period of time involved, the Employer members considered that the Government should engage itself in effective collaboration with the ILO. To this effect, it was indispensable for the Government to supply a detailed and comprehensive report reflecting all the issues which had been discussed and the mandate of such a mission, however, remained unclear.
was important to underscore some of its acts, such as confiscation of post office boxes of the aforementioned trade union organizations, resulting in misrouting of their mail; the substitution of the legitimately elected union representatives by those working for the Government; and the interference, in a discriminatory manner, with the activities and affiliations of these organizations; the prohibition of free union meetings in enterprises; the forcible closure of the headquarters of the UDT and UGTD; and the arbitrary dismissal of leaders of these two trade unions. Despite promises made in 1996 by the Government to the direct contacts mission, tangible progress could be observed. This problem had gone on for too long, and the Government must take all necessary measures to reinstate union leaders terminated since 1995; allow free organization of ordinary committees of the UDT and UGTD; and guarantee trade union freedom as well as the right to organize and bargain collectively. Firm conclusions must be adopted on this case by the Committee given the grave violations of trade union freedom which persist in Djibouti.

The Worker member of France indicated that if the Committee of Experts, citing the Committee on Freedom of Association, had not found any tangible progress in the restoration of freedom of association in full, then in reality one should speak of a deterioration in the situation, with government interference in the functioning of trade unions. The leaders of the trade unions UDT and UGTD who were dismissed in September 1995 had not yet been reinstated. Furthermore, in 1996 and 1997, teachers had been dismissed as a result of the organization of a strike. In this respect, it would be useful to be informed of measures taken by the Government in response to requests for reinstatement made this year by trade union leaders who had been dismissed. With regard to the organization of enterprise elections, the speaker noted the participation of police officers in the elections of the Committee of affiliates of the UDT and UGTD, in the place of employees of the Ministry of Transportation who were on strike the day of the election. The Government had furthermore blocked the right of trade unions to participate in a strike. In this respect, the Secretary-General of the UDT and the UGTD had expressed the firm hope that the Government would resume direct contacts with the Committee of Experts, responding in detail to all the issues raised in the observation at the earliest possible date.

The Committee took note of the oral information supplied by the Government representative and of the discussion which followed. The Committee noted that the urgent request expressed by the Committee of Experts that the Government not fail to send a report to the Committee of Experts responding to all the issues raised in the observation at the earliest possible date.

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al provisions, the Ministry of Labour and Social Affairs and the Civil Service Commission had been preparing draft procedures and regulations on the formation of trade unions and collective bargaining to be included in the draft civil service law. During the preparation of the draft law, the concerned government departments wished to continue to enjoy their rights of freedom of association and collective bargaining provided for under the Civil Code.

With regard to the power of the Ministry of Labour and Social Affairs to licitize the registration of trade unions under certain circumstances, the Government representative noted that the Ministry of Labour and Social Affairs had submitted draft legislation to the Council of Ministers which would vest the power of cancellation solely in the Ministry. Therefore, the Ministry was currently awaiting approval of the amendment and its adoption would be communicated to the Office. In this regard, the speaker thanked the ILO Area Office in Addis Ababa for facilitating the organization of the tripartite discussions.

Finally, the Government representative referred to the procedures in Ethiopian legislation on the exercise of the right to strike. First, he noted the nature of the dispute resolution mechanisms which must be utilized before a strike may be called. This binding procedure was handled by a para-judicial body, the Labour Relations Board, which sought to resolve labour disputes and served as a body of last resort before a strike was called. He believed that there was a misunderstanding on this point since the Committee of Experts had observed that the Board was a part of the Ministry of Labour and Social Affairs, while in fact the Board functioned as an independent tripartite body. Therefore, the issue of binding arbitration would not arise. Secondly, he reiterated that the government intended to refuse to ratify the Convention. This was clearly a case for a special paragraph since it involved the organization of the tripartite discussion on this matter. In its review of the matter, the Government was also seeking information from other countries. Whether the organizations were able to secure the necessary support, it would also seek assistance from the Office to provide technical support in organizing tripartite discussions on the matter.

In conclusion, the Government representative expressed regret for any delays in reporting as well as in performing certain undertakings, such as enactment of the suggested legislative amendments. Despite the adverse circumstances in his country, which included severe drought and a war, the Government representative reiterated Ethiopia's commitment to comply fully with ratified ILO Conventions.

The Worker members noted that this was a serious case which had been before the Committee on numerous occasions and that, throughout the past seven or eight years, Ethiopia had repeatedly promised to bring its legislation into conformity with the provisions of the Convention. The Worker members attributed the Government's non-compliance in this regard to the position taken by the Government representative in his statements denying any violations of the Convention.

Ethiopian legislation effectively established a trade union monopoly at the enterprise level. Referring to the comments made by the Committee of Experts, the Worker members indicated that, since 1993, the Committee had been urging the Government to amend its laws. While acknowledging the adverse circumstances Ethiopia was facing, the Worker members nevertheless pointed out that the issues before the Committee had been raised prior to the outbreak of the war and that the Government's response at that time had been no quicker. Referring to the second sentence in the comments of the Committee of Experts regarding Ethiopia's interference in trade union activities, the Worker members stated that the Committee of Experts' statement referred to incidents of abuse of power. Last year, a long list of examples had been cited of the Government's interference, including the murder, arrest and imprisonment without trial of trade union leaders and their mistreatment while in prison, which had led to the deaths of two trade union leaders. The Government's argument that these trade union leaders had been jailed for engaging in terrorist activities was unacceptable.

Referring to the case of the President of the Ethiopian Teachers' Association, Dr. Taye Woldesmiate, the Worker members referred to the findings of the Committee on Freedom of Association which had strongly criticized the Government's detention of Dr. Woldesmiate's immediate release. The Committee of Experts had not referred to the conclusions and recommendations of the Committee on Freedom of Association, nor had the Committee of Experts referred to the cases raised in its previous discussions on Ethiopia. The Worker members deplored this.

The Worker members noted that the conclusions and recommendations of the Committee on Freedom of Association stemmed from its examination of Ethiopian law and practice. It was therefore inappropriate to cite those findings, particularly those interim recommendations urging the Government to ensure that all union members and leaders detained or charged were released and that those dismissed were reinstated in their jobs and given compensation for lost wages and benefits.

The Worker members noted that, since last year's Conference, Dr. Woldesmiate had been convicted on charges of conspiracy against the State and sentenced to a prison term of 15 years. The ICFU had alleged that the trial was improperly conducted and that Dr. Woldesmiate's due process rights had not been observed. At the time, the Worker members had stated that the Government had promised to bring its legislation into conformity with the provisions of the Convention. This was clearly a case for a special paragraph since it involved the application of the ILO's principle of freedom of association established in the Convention. With regard to the powers vested in the Ministry of Labour to cancel the registration of unions, the Worker members considered this to be in clear violation of the Convention. In respect of the broad restrictions on the right to strike and the Committee of Experts' definition of essential services, the Worker members reiterated their longstanding reservations in this regard. In conclusion, little had been done by the Government in recent years to bring its law and practice into conformity with the requirements of the Convention.

The Employer members recalled the Government's statement to the Committee Committee in 1994 that new legislation was being drafted to bring its laws into conformity with the requirements of the Convention. This statement had also been made to the Conference Committee in 1999. Referring to the Government representative's statement that restrictions limiting the establishment of trade unions to one union per enterprise was in the interests of both employers and workers, but that the possibility of establishing more unions could be discussed in a tripartite committee at the national level, the Employer members pointed out that the Convention established workers' and employers' rights to establish and join organizations of their own choosing to promote their occupational interests. The Government needed to provide for the possibility of trade union diversity in order to conform with the requirements of the Convention and this subject was not appropriate for tripartite consultation, since trade union pluralism was one of the essential principles of the Convention.

The Employer members noted that the Government representative's statements that legislative amendments would be possible in respect of teachers' right to organize and that new legislation was under consideration for steps to be taken to regulate trade unions. However, the Employer members pointed out that the information provided by the Government was too vague and that it should supply detailed answers to the Committee of Experts' comments. Therefore, the Committee of Experts should urge the Government to supply a detailed report indicating steps taken to amend Ethiopian legislation and practice in order to comply with the Convention. Alternatively, the statements made by the Worker members recommending that a special paragraph be inserted by the Committee should be considered.

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The Worker member of Rwanda stated that the Ethiopian case was very serious in that not only legal texts but also human lives were at stake. The Government had continued to destroy these unions without any legal exercise of power not under its control. The Ethiopian Teachers' Association (ETA) had been harassed since 1993: on 3 June 1999 its President was sentenced to 15 years' imprisonment and two of its leaders had died in prison following harsh treatment. The Government of Ethiopia must respect the life of trade union members, end harassment of the ETA, free imprisoned trade union members, restate them in their positions, and ensure the application of Convention No. 87.

The Worker member of the United Kingdom joined in the comments made by the Worker members as well as those made by the Worker member of Rwanda. He stated that the Ethiopian Government's interference with trade union activities had not only extended to controls of the national centre of the Central Ethiopian Trade Union (CETU), but also of the Ethiopian Teachers' Association, particularly referring to the international tribunal, that the Government had constantly harassed the International Federation of Banking and Insurance Trade Unions (IFBITU) which was the one remaining affiliate still independent of government influence. In addition, trade unionists allied to IFBITU President Abiy Melesse had been intimidated, harassed and detained, with many having been forced into exile. In 1999, the Ethiopian authorities placed further pressure upon the leadership of the union, marginalizing it in four out of the five institutions where it was organized. Government security forces were deployed to prevent union leaders from entering their offices. Subsequently, illegal trade union elections were held and the new leadership was thrown back into the CETU, thereby placing it under government control.

He emphasized that IFBITU President Abiy Melesse now feared for his life. He recalled that the supervisory bodies of the ILO had repeatedly observed that it was impossible to exercise trade union rights effectively in an atmosphere of fear and violence. He endorsed the comments made by the Worker members and the Worker member of Rwanda with regard to the continued detention and lack of due process in the case of the President of the Ethiopian Teachers' Association, Dr. Woldesmiate, whose case had been followed with great concern, not only by the ILO and the international trade union movement, but also by teachers' unions affiliated to the TUC in the United Kingdom.

He concurred with the Worker members' statements that allegations that the President of the Ethiopian Teachers' Association was a terrorist were simply not credible. Noting the seriousness and longstanding nature of the case, he joined the Worker members in calling for the Committee to issue the strongest conclusions possible in respect of this matter.

The Worker member of Greece said that the tragic situation of Ethiopian workers could not be reflected in a page and a half of comments. While it was true that in any organized society the differences between categories of workers did not have the same possibilities of free speech. What had been lacking previously were procedures and regulations determining the manner in which civil servants exercise their civil rights. These procedures and regulations had been under consideration for a long time and were now finalized. He again informed the Committee that these procedures might well be adopted by the end of this year. The Government representative assured the Committee that his Government would submit requests for ILO supervision measures requested by the Committee of Experts and the Conference Committee before the end of 2000 and reiterated that his Government would continue to extend its full cooperation to the ILO supervisory mechanisms. He reaffirmed Ethiopia's strong commitment to the fundamental principles of the ILO.

In response to comments made by the Worker members, the Government representative affirmed his Government's commitment to report to the Committee of Experts on the application of the Convention in practice, including providing detailed responses to all the issues raised in the Committee of Experts' comments and providing evidence of tangible progress made in amending the legislation concerned to bring it into conformity with the Conventions. He noted the problem with the issue of the right to strike, concerning essential services, but maintained that the moment was not propitious to finding a solution. Ethiopia was attempting to obtain information from other countries on their experiences in this respect and might not have a response within the next six months. However, he agreed to provide a detailed report to the Committee of Experts on all concrete progress made in this regard.

The Worker members referred to what they had said in their first statement on the need for a special paragraph, since they noted that the Government representative had not given any prospect for future action to be taken by Ethiopia. It was necessary to make progress in a case which had been at a standstill for years. They regretted that this case had some complex aspects that could not be resolved overnight but on which the Government apparently was working, notably the problem related to the essential services, the Worker members nevertheless wished to see evidence of the Government's commitment.

The Worker members did not agree with the Government representative that the union members and leaders mentioned were "former members" of the Ethiopian Teachers' Association, but stated that the leaders of that union had been summarily pushed out of their jobs. Moreover, it was not enough for the Government to provide information on the legal proceedings against Dr. Woldesmiate. The Worker members wanted the Government to provide specific responses on the issues regarding the lack of due process in Dr. Woldesmiate's trial raised in the proceedings before the Committee on Freedom of Association. The Worker members also requested responses from the Government on the issues raised in the interim recommendations of the Committee on Freedom of Association. As far as the reinstatement of leaders of the union, as well as reinstatement and compensation for those union members and leaders dismissed from their jobs.

The Worker members requested the Government to provide responses to the Committee of Experts before the end of the year on three main points. First, they requested detailed responses regarding Ethiopia's application of the Convention in practice. Second, they requested the Government to report to the Committee of Experts before the end of the year on measures taken to bring the law

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into conformity with the Convention. They noted the Government representative's statements that Ethiopia was not opposed to establishing the possibility of trade union pluralism subject to the opinion of the employers' organizations. On this point, however, the Worker members concurred with the Employer members, noting that regardless of the opinions of the social partners, the Government was required to bring its legislation into conformity with the Convention. The Government members were unable to agree to that part of the Committee's observations which dealt with the right to strike, to the Penal Code, so as to bring national legislation into conformity with the Convention and to introduce in domestic law the fundamental principles and standards of the international trade union law as set forth in the International Labour Conventions ratified.

These texts were forwarded by the President of the Republic to the President of the Congress on 17 May 2000 for review and approval by the Congress. In addition, before the Conference Committee, a Government representative, Minister of Labour and Social Protection, stated that the Government had complied with its obligation to draw up draft reforms to the Labour Code, to the law on trade unions, to the regulations on the right of public servants to strike, and to the Penal Code, so as to bring national legislation into conformity with the Convention and to introduce in domestic law the fundamental principles and standards of the international trade union law as set forth in the International Labour Conventions ratified.

Since the Government's conviction was to act speedily, and because one of the fundamental pillars of the Government's programme was to combat poverty, which could be achieved, inter alia, through justly remunerated employment, he read the note dated 17 May from the President of Guatemala which had accompanied the draft reforms to the legislature. This read as follows: "It is my pleasure to submit to you the draft reforms to the Labour Code, to bring the legislation of Guatemala into compliance with Convention No. 87 ratified by our country. The State of Guatemala, as a Member of the International Labour Organization, is obliged to give effect to this Convention, incorporating into its national law the guiding principles or standards regarding the right of freedom of association and the protection and promotion of the occupational interests of workers. The following information:

Guatemala (ratification: 1952). The Government has supplied the following information:

The Committee noted the statement made by the Government representative, Minister of Labour and Social Protection, stated that the Government had complied with its obligation to draw up draft reforms to the law on trade unions, to the regulations on the right of public servants to strike, and to the Penal Code, so as to bring national legislation into conformity with the Convention and to introduce in domestic law the fundamental principles and standards of the international trade union law as set forth in the International Labour Conventions ratified.

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in this area, and that these conclusions would encourage Congress to approve the draft definitively and transform it into the law of the Republic.

The Worker members thanked the Government representative for the information he had supplied and observed that Guatemala had been on the Committee's agenda for a very long time, much of it regrettable for this very case. In its comments the Committee of Experts listed various matters relating to infringement of the right to organize, which was at odds with Convention No. 87. These included the rejection of trade union representation at the works level, the invocation of national security and the possibility of applying the law, the law had been violated. As everyone knew, the right to strike was a fundamental human right, one of the means through which organizations could defend their rights.

The Employer members therefore considered that the Government should be urged, in the Committee's conclusions, to take measures to bring its legislation into line with the provisions of the Convention. However, the conclusions should also reflect that the Government had applied a draft bill to the Office in May. Nevertheless, it should also be noted therein that the Convention should not declare the existence of a criminal record; that the workers had been violated and he therefore had no choice but to address the object of criminal charges and were condemned to 20 days' incarceration; the trade union SITRABI and its leaders were the object of criminal proceedings, and 200 persons had raided the headquarters of the organization and made death threats against its officers. If one looked beyond the proposals of the Government, the reality was that, while the trade union movement was developing into a healthy practice in Guatemala; thus, for example, important changes had been approved, such as the reforms to the Labour Code derived from the peace agreements. On the other hand, the process of reconciliation was long and it was fairly difficult to reach a real and lasting peace. However, while this issue complicated matters, it was not an excuse for the Government to infringe the Convention.

In his statement, the Committee of Experts said that the right to strike was a fundamental human right, one of the means through which organizations could defend their rights. The Employer members noted that the case of Guatemala in relation to the Committee of Experts was a clear violation of the Convention. The second part of the Committee of Experts' comments dealt with legislative provisions relating to labour disputes and, in particular, the right to strike. As mentioned in previous years, the Employer members recognized that the right to strike was a fundamental human right, one of the means through which organizations could defend their rights. The Committee of Experts observed that Guatemala had been on its agenda for a very long time, much of it regrettable for this very case. In its comments the Committee of Experts listed various matters relating to infringement of the right to organize, which was at odds with Convention No. 87. These included the rejection of trade union representation at the works level, the invocation of national security and the possibility of applying the law, the law had been violated. As everyone knew, the right to strike was a fundamental human right, one of the means through which organizations could defend their rights. The Employer members therefore considered that the Government should be urged, in the Committee's conclusions, to take measures to bring its legislation into line with the provisions of the Convention. However, the conclusions should also reflect that the Government had applied a draft bill to the Office in May. Nevertheless, it should also be noted therein that the Convention should not declare the existence of a criminal record; that the workers had been violated and he therefore had no choice but to address the object of criminal charges and were condemned to 20 days' incarceration; the trade union SITRABI and its leaders were the object of criminal proceedings, and 200 persons had raided the headquarters of the organization and made death threats against its officers. If one looked beyond the proposals of the Government, the reality was that, while the trade union movement was developing into a healthy practice in Guatemala; thus, for example, important changes had been approved, such as the reforms to the Labour Code derived from the peace agreements. On the other hand, the process of reconciliation was long and it was fairly difficult to reach a real and lasting peace. However, while this issue complicated matters, it was not an excuse for the Government to infringe the Convention.

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tripartism as the best way of guiding relations in the production sector. He requested that the conclusions of the present Committee should reflect the fact that the draft to which the Government had referred related no trade unions.

The Worker member of Norway, speaking on behalf of all the Workers from the Nordic group, fully supported what had been stated by the Worker members. Guatemala had ratified Convention No. 87 in 1952. In its comments on the Government's report, the Committee had underlined that Guatemala had once again placed a number of restrictions on the right to organize and the right to strike in the Labour Code. These restrictions reflected the completely unacceptable attitude on the part of the authorities vis-à-vis trade union and trade union activities. By not having brought its legislation into conformity with the Convention, the Government in fact tolerated and contributed to the violations of the Convention it had ratified, but by no means implemented.

The Round Table movement was well acquainted with abuses towards workers in the country, especially in the banana sector, through direct cooperation with its sister union in Guatemala, UNSITRAGUA, and through reports from the ICFU and Amnesty International. Workers were dismissed for no other reason than union membership and the authorities participated actively in the harassment of workers. When a subsidiary of one of the main multinational in the banana sector dismissed 1,000 workers in September 1999, workers were gravely mistreated. Worse still, in October of the following year, workers who had formed trade union premises, held trade union leaders at gunpoint and forced them to sign resignation letters. Although the trade union premises were only 400 metres away from the police station, at no point did the police do anything to investigate these violations. The unwillingness of the Department of Labour in the maquila industry (Export Processing Zones) was well known. While there were 11 unions in the sector in 1996, there were none today. Factory owners dismissed union members and "closed" plants with organized workers only to reopen them and hire more compliant workers.

The Committee had been informed that the Government might now show signs of understanding the gravity of the situation and that it would no longer tolerate the non-respect of Convention No. 87. Copies of draft amendments to the Labour Code to bring it into conformity with the Convention had in effect been forwarded to the Office very recently. However, promises to change existing laws had been given earlier — and not kept. It would be shameful to repeat that this government would not respect its obligations.

It was hoped that the Committee to ensure that the Government brought its law and practice into conformity with the Convention, and thus to ensure the effective protection of the workers' rights to organize, bargain collectively and take part in industrial action.

The Worker member of the United States pointed out that many of the issues raised by the Committee of Experts in its report last year were now before the Committee. Without any final and satisfactory resolution. The Minister had made tremendous efforts to change things for the better in a short period of time, including putting forward proposals to Congress for changes to the Labour Code which would remedy some of the issues of non-compliance mentioned by the Committee of Experts, under Convention No. 87. However, the Minister's arguments met with resistance, including the Congress, a judiciary with full jurisdiction over labour matters, employers who had adopted anti-union and anti-worker modus operandi and a lack of budgetary resources to undertake his plans and programmes.

He wished to highlight a few of the examples of non-compliance with Convention No. 87. Referring to the points mentioned in the Committee of Experts' report, he pointed out that although the Labour Ministry had proposed amendments to remedy some of the violations of Convention No. 87, these had still remained in many cases, including the August proposals. In consequence, people who had abandoned tripartite consultations and had declared that the present Minister of Labour would not forget the principles for which he had fought when he was a trade union leader.

The Government representative indicated that he understood that all opinions which had been expressed were intended to be of assistance to Guatemala, but he found it regrettable that these opinions strayed from the observations of the Committee of Experts and touched on criminal acts which were not part of the discussion or on matters related to the application of Convention No. 87. He underlined the intention of his Government to do what was necessary to move along the processing of the draft law recently submitted to Congress, which, he recalled, had only been in power for four months. With regard to the statement by the Employer member of Norway, he said that he did not respect tripartism, he recalled that it had been the employers who had abandoned tripartite consultations and had declared that they would not return. Nonetheless, he invited employers to rejoin tripartite discussions and indicated that they would be reconvened in July. While waiting for promises to give way to action and for the Committee of Experts to form an opinion, they requested that the Committee should state in the firmest possible terms its concerns about anti-union practices and culture in the country.

The Employer members, referring to the statements made by a few Worker members that the current Minister of Labour had been a former trade union activist and that he should therefore not forget his background in performing his work, hoped the Minister would fulfill his duties for the well-being of all people living in Guatemala. The Employer member of the United States pointed out that the bill submitted to Congress even though it had emerged from debate that the social partners had not been consulted. They dared to hope that the policy as announced would be translated at last into action. While waiting for promises to give way to action and for the Committee of Experts to form an opinion, they requested that the Committee should state in the firmest possible terms its concerns about anti-union practices and culture in the country.

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However, in the meantime the Government should provide a detailed report which should be established in consultation with the social partners in their courts. The Employer member of the United States pointed out that the bill submitted to Congress even though it had emerged from debate that the social partners had not been consulted. They dared to hope that the policy as announced would be translated at last into action. While waiting for promises to give way to action and for the Committee of Experts to form an opinion, they requested that the Committee should state in the firmest possible terms its concerns about anti-union practices and culture in the country.

The Committee noted the written and oral information supplied by the Minister of Labour and of the discussion that took place in the Committee of Experts. The Committee noted that the problem of non-compliance of national legislation and practice with the provisions of the Convention had been examined by the Committee of Experts and discussed in this Committee over many years, including the previous meeting. The Committee took note of the urgent measures announced by the Government representative, which had just occurred, that draft legislation to amend the Labour Code, the trade union legislation, the regulation on the right to strike and the
Penal Code, in order to bring them into conformity with the requirements of the Convention, had been sent by the President of
the Republic to Congress for adoption on 17 May 2000. The Committee indicated that it would be for the Committee of Experts to
examine the compatibility of these amendments with the provisions
of the Convention and trusted that these amendments would finally
allow the full application of this fundamental Convention, ratified
in 1952. The Committee was still concerned by the lack of concrete
progress in practice. The Committee expressed its firm hope that
the Government would send a detailed report to the Committee of
Experts and a copy of the amendments adopted so as to allow it to
make an assessment of real progress in law as well as in practice by
the following year. It recalled the importance it attached to tripartite consultations with regard to the application of the principles of
freedom of association.
Kuwait (ratification: 1961). A Government representative, referring to the Committee of Experts' comments, stated that his
country had been a democracy for almost 300 years. Its tenet was
equality and social justice and was founded on the principles of Islam. He also noted that the Constitution of Kuwait was based on
international Conventions and that Kuwait was therefore committed to complying with its obligations under those instruments. He
explained that the delays in drafting the new legislation were due to
the fact that it was extremely detailed. The draft text was in fact
being studied by various committees, who were examining it in
depth in view of the comments received from all groups. The new
law would eliminate the requirement that a particular number of
workers or employers was needed to form workers' or employers'
organizations. This amendment was evidence of the Government's
commitment to the principles of Convention No. 87. The Government representative indicated that he had a long list with him of all
the changes made in the draft text. While he did not wish to take up
the Committee's time by reading out this list, he assured the Committee that the draft text was in accordance with the Committee of
Experts' comments. In July 1999, new elections had been held for
the Kuwaiti National Assembly following a protracted election
campaign. In the interim, Kuwait had benefited from an ILO mission which had provided technical assistance on the provisions in
the draft law, including principles established in international Conventions and removing provisions from the draft text that were not
in conformity with those Conventions. The draft law would soon be
presented to the National Assembly for adoption. The Government
representative indicated that Kuwait was proceeding in a transparent manner and believed that his Government's efforts would benefit Kuwaitis, noting that Kuwaiti society enjoyed true democracy,
freedom of the press, equality and genuine separation of powers.
Kuwait had improved the situation of domestic workers and national legislation and now allowed these workers to form trade unions.
This change had been noted by the International Confederation of
Free Trade Unions (ICFTU), who had observed that migrant workers in Kuwait had joined unions. In fact, migrant workers constituted one-third of the membership in such trade unions. He explained
that migrant workers were twice as numerous as Kuwaitis and
asked the Committee to take the unique composition of Kuwait's
population into account, pointing to the number of migrants and the
diversity of cultures and religions in his country.
The Worker members noted that it was not the first time that the
Committee examined the question of the application of Convention
No. 87 by Kuwait. It had in fact examined this case on several occasions in the beginning of the 1980s and furthermore in 1992, 1995
and 1996. The long and detailed list of points raised by the Committee of Experts evidenced that freedom of association was subjected
to severe restrictions in Kuwait. Additional violations of Convention No. 87 had been established both in law and in practice. Certain issues raised particular concerns: the quantitative requirements
to be authorized to establish a trade union or an employers' association and the obligation to have at least 15 Kuwaiti members to
form a trade union. This latter requirement had affected several
sectors, such as the construction sector, where the major part of the
workers were foreigners, making it impossible for them to unionize.
They had also mentioned the discrimination against non-national
workers who were required to have five years' residence in Kuwait
before they could join a trade union. As approximately 80 per cent
of the workers were of foreign origin, a large part of these workers
were thus deprived of the freedom to associate. The Worker members also referred to the prohibition to establish more than one
trade union per establishment or activity, as well as the wide powers
of supervision of the authorities over trade union books and registers. These were just some pertinent examples which demonstrated
that there was a series of legal provisions in Kuwait which were contrary to the provisions of the Convention. In 1996 the Government
had assured the Committee that it intended soon to adopt a draft
labour code which would abrogate the provisions which were contrary to the Convention and which contained guarantees for the

exercise of freedom of association. In its report to the Committee of
Experts, the Government referred to this draft law which thus had
not yet been finally adopted. The Committee of Experts had also
noted that several provisions of this text continued to be in contradiction with the Convention. This concerned in particular the quantitative requirements for establishing a workers' or employers'
trade union and the discrimination based on nationality. In addition, the powers of the authorities both as regards the establishment
and the dissolution of these organizations remained too extensive.
There was a high risk of interference by the public authorities in the
functioning of workers' organizations, as each founding member
had to obtain a certificate of good conduct and, as in the event of a
dissolution of a trade union, its assets reversed to the Ministry of
Social Affairs and Labour. The Worker members shared the hope
of the Committee of Experts that this draft law would soon be
adopted and promulgated. The Worker members urged the Government, without further delay, to guarantee both in law and in
practice to all workers and employers without any distinction, be
they nationals or foreigners, and irrespective of their occupation,
the entitlement to join the professional organizations of their choice
so as to defend their interests. They also requested the Government
to submit next year to the Committee of Experts, a detailed report
on actual progress accomplished, and not only on the proposed legislative amendments.
The Employer members noted that this case had been before
the Committee in the 1980s as well as in 1995 and 1996 with regard
to the application of Convention No. 87. There was a long list of
discrepancies in the national legislation, including restrictions on
the freedom to establish employers' or workers' organizations as
well as restrictions on their activities. The Employer members also
stressed that whole groups were excluded from coverage under the
national legislation and commented on the long residency requirement for foreign workers before they could join a trade union. Noting that Kuwait had a rather monopolistic trade union system, the
Employer members also referred to possibilities of interference on
the part of the public authorities in trade union activities. The Government representative had indicated that a draft law would be
adopted which would eliminate these violations, which was also reflected in the Committee of Experts' comments. While the Government representative had declined to describe the changes made in
the draft law to save the Committee's time, the Employer members
noted that the text of the draft law would need to be examined by
the Committee of Experts in any event and asked the Government
representative to list at least one or two of the most important
changes in his concluding statements. The Employer members noted that, given the high number of foreigners in the country, it was
crucial to solve the problem of the manner in which foreign workers
as well as employers could organize. If the Government representative did not wish to list the changes made by the draft text, the Employer members requested that he explain the legislative process
and indicate precisely when the new law would be adopted. For the
moment, the Employer members adhered to their opinion that the
national legislation should be amended in many respects and urged
the Government to effect these changes forthwith.
The Employer member of Kuwait referred to the specific composition of the population in Kuwait. As the Employer members
had noted, Kuwait had a high proportion of foreigners, who constituted approximately 40 per cent of the population. However, he
believed that Kuwait was absolutely convinced of the importance of
the Convention, particularly because it was a democratic State that
believed in democracy, freedom and equality. He noted that
130 nationalities were represented in the Kuwaiti population and
that there were double the number of foreign nationals in comparison to Kuwaiti nationals. The Employer member noted that he had
100 workers in the small enterprise which he operated. Given the
broad range of nationalities in his enterprise, he might have had five
to ten trade unions in his company. He also pointed out that Kuwait
was in the Middle East, with all the difficulties and instabilities that
this entailed. If tensions arose, he would face intractable problems
as an employer. Kuwait's situation and its unique population were
important elements that the Committee should consider. Moreover,
the fact that trade union rights were an extension of political rights
in the purest sense should also be taken into account.
The Worker member of Greece considered that it was very surprising to hear the Government representative affirming that Kuwait was a country where equality reigned. This amounted to a
statement that the Committee of Experts had been wrong. In the
course of the discussion, it had been said that the country had had
difficulties resulting from the presence of nationals from many different countries. Everyone knew, however, that Kuwait was a very
rich country. Although it undoubtedly needed to attract a large
number of women and men to work in the country, it was not entitled to depriving them of almost all their rights. It was further also
incorrect to assume that a recognition of the freedom of association
would entail the establishment of ten unions within the same enter-

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prise. Furthermore, such an assertion constituted an acknowledgment of the absence of freedom of association in Kuwait. A country as wealthy as Kuwait had no excuse not to implement the fundamental principles in Convention No. 87. In conclusion, the speaker expressed the hope that even if this case progressed as far as was possible under the circumstances, the Government of Kuwait should be invited to inform the Committee on progress made next year.

The Government representative of Kuwait disagreed with the comments made by the Committee of Experts, but noted that the Bill was drafted in a democratic country that respected freedoms related to trade unionism. He reiterated his request that the Government next year provide the Committee with information on actual progress made.

The Worker member of Greece declared to have taken note of the declaration by the Government representative according to which all the amendments made by him had been made. He reiterated his request that the Government next year provide the Committee with information on actual progress made.

The Employer members recalled that contradictions with Convention No. 87 had been established. They therefore urged the Government to adopt legislation that would grant to all workers and employers, without distinction of any kind, whatever their nationality or their profession, the right to establish the organizations of their choice with a view to defending their occupational interests without undue interference from the public authorities. They reiterated their request that the Government next year provide the Committee with information on actual progress made in both law and in practice.

The Employer members stated that, in light of the discussion, the Committee was compelled to note once again the considerable discrepancies that existed between Kuwaiti legislation and the provisions of the Convention. As in the past, the Committee must urge the Government to remedy the situation. It should request the Government to report on the adoption of the draft law and supply a copy so that the Committee could determine what changes had been made.

The Committee noted the statement made by the Government representative and the discussion which took place thereafter. It noted with regret that the Committee of Experts had been commenting for many years now on the need for the Government to eliminate the many divergences existing between the legislation and the Convention. In particular, the Committee of Experts had urged the Government to adopt legislation which would provide all workers, without distinction of any kind, whatever their nationality or their profession, the right to establish the organizations of their choice with a view to defending their occupational interests without undue interference from the public authorities. Noting the Government's previous position that legislation had been drafted in 1998, had been signed recently and had come into force, the Committee expressed the firm hope that the Government's report due this year would include the concrete measures taken in law and practice as well as specific progress attained in this regard in order to ensure full compliance with the requirements of the Convention.

Swaziland (ratification: 1978). A Government representative indicated that the Government had always been positive and the relationship between the Organization and the member State had gone from strength to strength. It was on this basis that Swaziland had always subscribed and would continue to subscribe to the principles of the ILO, namely democracy and social justice within the framework of tripartism. Swaziland was fully aware that international labour standards were a vehicle for the attainment of social justice and democracy, which were fundamental in the workplace. Last year, he had addressed this Committee on efforts that had been made and been amended. In the context of the year's debates, the delegation was pleased to report that the Bill had since been signed into law. A copy of the Act had just been communicated to the Office. As the Committee might recall, the initial Bill had been elaborated by a tripartite committee. After winning government approval, the draft had been submitted to the Parliament, and certain amendments had been incorporated into the present Act. The Government requested the Office to pass on a copy of the Act to the Committee of Experts for its examination. The Government would welcome comments by the Committee of Experts with a view to taking necessary action to bring the law into conformity with international labour standards. The Conference Committee might recall, the initial Bill had been elaborated by a tripartite committee. After winning government approval, the draft had been submitted to the Parliament, and certain amendments had been incorporated into the present Act. The Government requested the Office to pass on a
The Employer members indicated that the Committee faced a dilemma with regard to its conclusions, since it only knew about the legislation which had been repealed and replaced a few days earlier. This special situation should be reflected in the Committee’s conclusion. It called for the new legislation to be transmitted to the ILO so that it could be examined by the Governing Body at the end of 1999. This would provide a basis for the Committee to review the matter next year, if necessary.

The Worker members thanked the Government representative for the brief economic issues that had been discussed. They emphasized that it was their strong view that this had been and remained a very serious case of non-compliance with the Convention. They recalled that a direct contacts mission had visited the country in 1996 and that the Committee had expressed concern during the discussion of the case in the Committee. The mission confirmed the widespread harassment of the country’s trade unions. This led the Government to draft a new Industrial Relations Bill with the assistance of the ILO which was consistent with Convention No. 87. However, the Bill had not been enacted as expected. In 1997, the Conference Committee had therefore expressed deep concern over the failure to enact the law and the continuing harassment of trade unions in the country. The Committee had set its conclusions aside in a special paragraph of its report to emphasize its deep concern at the case. A new amended version of the Industrial Relations Bill had been adopted just a few days earlier. But, the lack of progress had compelled the Committee of Experts to express its disappointment in writing to the Government, stating that the progressive measures needed concerning the final revisions of the text were needed until certain revisions were made. They recalled that this draft legislation had been drawn up with the assistance of the ILO to ensure that the new legislation entitled anyone claiming loss because of a workers’ demonstration; severe restrictions on the right to organize; the right to hold meetings and peaceful demonstrations, and on the right to strike; excessive court powers to limit union activities and to cancel union registration; and an obligation to consult the Government prior to international negotiation. The Committee noted the disapproval shown by the Government for many years towards its commitments under Convention No. 87. Not surprisingly, this disapproval had resulted in the sometimes brutal and violent harassment of workers over a period of years. The Worker members accused the Government of having failed to do this. Instead, the Council of Ministers had passed the Bill into law before June 1998. He recalled that, before this Committee in 1998, the representative of Swaziland had already stated on this issue. All that the Government had said today should be viewed within the context of its determination, or lack of determination, to enact laws in compliance with the international labour standards it had voluntarily ratified; and of whether it had achieved an intention to have the Government to comply with these standards both in law and in practice. Since 1996, Swaziland had appeared on several occasions before this Committee, and each year the Government had made resounding positive promises which it had never fulfilled. It should also be recalled that from 1990 to 1999 the Government had been a titular member of the Governing Body, the body entrusted with monitoring, advising and encouraging respect for human dignity and social justice. It should also be noted that the failure by the Government to comply with the Conventions it had voluntarily ratified was combined with a series of trade union and human rights violations which included, inter alia: harassment of trade union leaders; arrests of trade union leaders; brutality and killing of peaceful demonstrators; the imprisonment and torture of workers participating in a workers’ demonstration; unlawful searches of trade union offices, and seizures of trade union documents; and unlawful searches of trade union leaders’ homes. This had caused the present Committee to request the sending of a direct contacts mission to Swaziland in order to verify and confirm all the above-listed gross violations. The case of Swaziland had been placed in a special paragraph in 1997. Details of the findings of the direct contacts mission had been reported systematically and accurately in Case No. 1884. Subsequently, in July 1998, the Government had brought the case to the attention of the Committee with a strong protest. The new legislation, complete with its amendments, needed to be submitted to the Committee of Experts for examination. In conclusion, the Worker members called for the adoption of a strong industrial relations legislation which was in conformity with the Convention and for an immediate end to the widespread harassment of trade unions in the country. Until such time as this had been achieved, they believed that the Committee should continue to express, in the strongest terms, its deep concern at the lack of progress made.

The Worker member of Swaziland strongly supported the views of the Workers’ spokespersons and indicated that the need for the Worker members no doubt for all the members of the Committee. Many important questions remained to be answered and the new legislation, complete with its amendments, needed to be submitted to the Committee of Experts for examination. In conclusion, the Worker members called for the adoption of a strong industrial relations legislation which was in conformity with the Convention and for an immediate end to the widespread harassment of trade unions in the country. Until such time as this had been achieved, they believed that the Committee should continue to express, in the strongest terms, its deep concern at the lack of progress made.

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and the central Government; obstruction of the collective agreement and bargaining processes; brutal dispersal of peaceful demonstrations, including the use of tear gas and batons; the brutal dispersal of meetings held on private premises; victimization and intimidation of journalists who sought to carry out accurate reporting and, for this official ILO reports and SPTU participation. This year again, he had been denied the right to represent the workers, but thanks to a decision by the Credentials Committee he could speak as a delegate.

The government had ordered the closure of the newspaper The Observer and 82 employees had lost their jobs. This closure had been a result of revelations which had not pleased the Government. The establishment of works councils was also recognized as discrepancies by the Committee of Experts. This demonstrated a deliberate and flagrant disregard for and undermining of the advice given by the ILO technical committee to the Government and a contempt of the highest order for the provisions of the Convention and the ILO Constitution.

He said that as long as Swaziland was ruled by the 1973 Decree, which had removed the Bill of Rights from the independence Constitution, and the government misused its powers in the name of association in practice. He believed that it was on the basis of this decree that the Government refused to listen to any calls for conformity with the human rights-related Conventions. This arose from the fact that national legislation engaged in an uncompromising repression of trade unions. In March this year, the Government had ordered the closure of the newspaper The Observer and 82 employees had lost their jobs. This closure had been a result of revelations which had not pleased the Government. The establishment of works councils was also recognized as discrepancies by the Committee of Experts. This demonstrated a deliberate and flagrant disregard for and undermining of the advice given by the ILO technical committee to the Government and a contempt of the highest order for the provisions of the Convention and the ILO Constitution.

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had been inserted by the Swaziland National Council after the adoption of the legislation by Parliament. He called for a high-level ILO delegation to visit the country and engage the Government in the development of new industrial relations legislation, in compliance with Conventions Nos. 87 and 98, in consultation with the social partners.

The Worker member of the United Kingdom focused on the legislation to which the King of Swaziland had given his assent at the beginning of the week. At the heart of the problem lay the extraordinariness fact that the dispute was based upon a national ballot which the country retained the last vestiges of federalism in the world. This federalism found other expressions in the country, one of which was the National Council, consisting of hand-picked advisers and elders whose sole purpose was to manage the country’s natural matters. The amendments incorporated into the final version of the industrial relations legislation had emanated from that Council and placed further severe limitations on the normal exercise of legitimate trade union activities, and particularly on the right to strike and the organization of strike ballots, which might even involve an absolute prohibition of strikes, was not settled by other means, could result in a considerable reduction in the number of workers covered by the law. In this respect, he noted that the Committee on freedom and democracy had stated that the legal procedures for organizing a national referendum every time the Government wished to organize a demonstration. In a sectoral dispute, a ballot would have to include not just the union members, but all the workers and their coexistence with trade unions, he ex- 
tended the equivalency of requiring it to hold a national referendum every time it wished to organize a demonstration. In a sectoral dispute, a ballot would have to include not just the union members, but all the workers and their social partners.

He added that subsections 40(1)(b), (3) and (8) set out requirements for periods of notice which had the clear aim of preventing any action. In the first place, 21 working days had to be allowed for mediation by the Labour Advisory Board before the ballot could take place. In this respect, he noted that the Committee on Freedom and democracy had stated that the imposition of a system of compulsory arbitration through the labour authority, if a dispute was not settled, could undermine the restriction on the right of workers’ organizations to organize their activities and might even involve an absolute prohibition of strikes, contrary to the principles of freedom of association. A further seven days’ notice was then required before the ballot could take place. He noted in this regard that a national ballot could itself take a considerable amount of time to complete. Finally, another five days’ notice had to be given before any action could take place. He therefore calculated that, merely in order to call a demonstration, a minimum period of seven weeks would be required.

Recalling discussions in the Committee in the early 1990s on concerns that were discussed in the country, he emphasized that the above complexities made it almost impossible for trade union officials to know whether the agreements they were making had been reached.

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With regard to the amendments to section 52, dealing with works councils and their coexistence with trade unions, he explained that employers were required to set up a works council where there was no union branch in the workplace. Under the previous legislation, when a union applied for recognition, the works council ceased to exist. Under the new legislation, a works council would coexist with the trade union and would have the right to bargain for wages and conditions of employment. However, the agreements entered into had not been implemented.

The Swazi Government had been a member of the Governing Body from 1996 to 1999 and could not plead ignorance of the extensive jurisprudence of the Committee on Freedom of Association regarding “Solidarismo”. It was extremely regrettable that the Government of Swaziland should introduce legislation on works councils which perpetuated the paternalistic mould of industrial relations that had prevailed during the darkest hours of apartheid in South Africa. The unions and their social partners were among the measures introduced by the amendments, and were identical to the provisions criticized by the Committee of Experts as not being in conformity with the Convention. It was probably for this latter reason that they had not been brought before the ILO, the country also benefited under an ILO technical cooperation project in the region, funded by Norway, to strengthen tripartite structures. Government officials had pledged to respect tripartite and trade union rights at the meetings and seminars convened. Yet the Government’s response consisted of arrogant disregard for the assistance provided. The promises made to the Committee of Experts and to earlier Conference Committees had not been kept, and the country had not benefited from the assistance provided.

The Government was undoubtedly fully aware that the amendments adopted were not in compliance with the Convention. Important restrictions on the right of organizations to hold meetings and peaceful demonstrations, the prohibition of sympathy strikes and the organization of strikes, were among the measures introduced by the amendments, and were identical to the provisions criticized by the Committee of Experts as not being in conformity with the Convention. It was probably for this latter reason that they had not been brought before the ILO, the country also benefited under an ILO technical cooperation project in the region, funded by Norway, to strengthen tripartite structures. Government officials had pledged to respect tripartite and trade union rights at the meetings and seminars convened. Yet the Government’s response consisted of arrogant disregard for the assistance provided. The promises made to the Committee of Experts and to earlier Conference Committees had not been kept, and the country had not benefited from the assistance provided.

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The government representative had stated that it was his intention to deliver social justice to the workers of his country, he had been unable to maintain the amendments, proposed by the social partners, to the Industrial Relations Bill. The final version of the legislation threatened to take away what little remained for the workers. The concept of works councils, as set out in the 1996 Industrial Relations Act, had been outdated and a sure way of undermining the labour movement. He recalled that Swaziland had not been spared the impact of globalization and that it had no choice but to provide its citizens with providing workers who could build the country. It could not be protected. However, the Government had not been able to find the appropriate solution. It had been hoped that the new legislation would address the outstanding issues, but the promised relief had not been taken away. The ILO had expressed to the Government that it had taken a step backwards. It was therefore almost certain that the case would need to be examined by the Conference Committee on future occasions.

The Worker member of Norway, also speaking on behalf of the Worker members of Denmark, Finland, Iceland and Sweden, said that it had been evident that a country which had ratified the Convention as long ago as 1978 could neglect its obligations to such an extent. Despite the courageous fight by Jan Sithole, the Secretary-General of the SFTU, little progress had been made in introducing democratic labour laws in the country. The fact that Jan Sithole had been denied access to the Conference by his Government was the best proof of the grave discrepancies between the provisions of the Convention and practice.

She noted that the long-awaited Industrial Relations Bill had now received the assent of the King. However, the Swaziland National Council had introduced new amendments which were not in compliance with the Convention. The Government of Swaziland was therefore once again ignoring the urgent calls to bring its legislation into line with the Convention. The fact that the Swaziland National Council, the King’s advisory body, had interfered in the legislative process and insisted on unacceptable amendments was another example of the country’s undemocratic and anachronistic political system. Through the adoption of the legislation, which contained some of the same unacceptable provisions found in the 1996 Industrial Relations Act, Swaziland was still not in conformity with the Convention. He reminded the Committee of the role of the apex organization of the worker movement in their countries and the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as the importance of the role played by this Advisory Council in this respect, as well as
with the Convention. It would be necessary to remain very attentive
to the case and continue to examine it. Focus should be maintained
on the application in practice of the requirements of Convention
No. 87 through the new legislation. The visit by a mission, as pro-
posed by the Worker members, might be able to shed further light
on the matter. Finally, he emphasized the need for good govern-
ance, which also involved the application of fundamental labour
standards including Convention No. 87. The relevance of good gov-
ernance extended far beyond the field of fundamental labour stand-
ard as it was the foundation of Swaziland's industrial relations
system.

The Government representative thanked the Worker and Em-
ployer members for their comments and expressed his appreciation
for the technical assistance which had been rendered by the ILO in
the preparation of the draft bill at its draft stage. He reminded
them that the Government fully supported the ILO Conventions it
had ratified. With regard to the discussion, he recalled that the 1998
Industrial Relations Act had been adopted and that it would be ap-
propriate to take this legislation into consideration in the comments
of the Committee of Experts. The conformity of the Act with the
Convention would require assessment by competent experts and
could not be decided on the basis of allegations. He further recalled
that the new Act had been approved by the Parliament and King,
which was the legislative process in the country. This Act was
adopted like others. He indicated that the Government would be
prepared to sit down with the Labour Advisory Board to examine,
with the assistance of the ILO, the conformity of the amendments
with the Convention. The Government would take any necessary
action if legislation was considered to be in violation of Conven-
tions. The revised legislation should then be submitted to the Com-
mittee for Experts for examination.

The Worker representatives observed that the discussion had mostly
focused on the newly adopted Industrial Relations Act, the text of
which had not been examined by the Committee of Experts. Since
it was pointless to discuss a law without having consulted the
text, they suggested to follow well-established tradition and to wait
for the results of the examination of the new legislation by the
Committee of Experts. They once again emphasized that the particular-
ity of this case was that it was based on comments by the Committee
of Experts with regard to laws which had been repealed. Turning to
the role of the Government representative indicating the Government's
williness to submit the new law again to the national tripartite com-
mittee in the near future, so that it could examine, with technical
assistance from the ILO, whether the new legislation met the
requirements of the Conventions. They had indeed emphasized the
discrepancies which existed between the old legislation and
the provisions of the Convention. If necessary, amendments to the
new law would be made. The results of this consultation should be
provided in a report for further examination by the Committee of
Experts. The Committee could then review this case again on the
basis of the most recent information.

The Worker members recalled that they had proposed a high-
level ILO mission to Swaziland in order to examine the problems in
the implementation of the Convention. This proposal had been unwill-
ing for the Government to show its good intentions. The fact that the
Government was unable to accept this idea would have an impact
on the manner in which Swaziland would be regarded in the inter-
national community. He asked that regard to the fact that the 1998
Industrial Relation Act, as amended, be reviewed by the national
tripartite committee, they recalled that the social partners
had been consulted for the 1998 draft of the Act, but their sug-
gestions had been subsequently ignored. Therefore, they viewed
the Government's proposal with some suspicion, although they en-
couraged all forms of tripartite consultation. Noting the apparent
unwillingness of the Employer members to support the inclusion of
the case in a special paragraph, they requested the conclusion of
the Committee of Experts that the Government proposal was unwill-
ing to accept the offer of the proposed mission.

The Committee noted the oral statement made by the Govern-
ment representative and the discussions which took place thereaf-
fter. It recalled with deep concern that the Committee of Experts had
been entrusted with the complete revision of the labour
legislation. This project would culminate in the presentation of
the appropriate draft bills in order to facilitate the work of the next
National Assembly. This Expert Commission had instructions to
take into consideration the suggestions made by the ILO supervisory
bodies and to consult immediately with the employers' and workers'
organizations, associations, universities and all of the civil soci-
ety interested in this subject, in order to collect information and
formulate opinion. The work of this Commission had just recently begun.
After the text had been drafted by the national experts, it would be
submitted for consideration and consultation to the abovementio-
ned groups. A concern was that the示范 Act had not been approved
by the Government. The Committee would be considered in its conclu-
sions and recommendations could then be submitted for considera-
tion to the national tripartite committee. The Committee noted
that the 1999 Constitution of the ILO had resulted in the approval of
the new National Assembly. He requested this Committee to include in
the conclusions of their report the right of participation of the
tripartite consultative and the electoral process which would soon be
completed and which would result in the election of the new legislative body,
the National Assembly. The Government reiterated its intention to find solutions to the pending legislative questions referred to in the Committee of Experts' observation. It was understood that the Committee of Experts would take into account the objectives of this Government, but stated that the measures taken were too far beyond the pending issues raised in the Committee of Experts' observation concerning Convention No. 87.

The Worker members of Venezuela recalled that the Committee of Experts had pointed out for many years and that the Conference Committee already had discussed this case in 1995, 1996, 1997 and 1999. Other aspects of this case pertained to Conventions Nos. 98 and 95. The Committee of Experts had emphasized the need for amendments in order to eliminate contradictions between the legislation and the Convention, in particular as regards the requirement imposed on foreign workers to have more than ten years of residence in order to hold trade union office; the excessively long and detailed list of duties entailed for any change of worker; the excessively long duration of the collective agreements; the requirement to have more than 100 workers in order to form self-employed workers' trade unions; and the requirement to have more than ten employers' organizations in order to form an employers' trade union. Furthermore, several complaints which were pending before the Committee on Freedom of Association, referred to allegations of anti-union reprisals and to interference by the Government in collective bargaining and trade union affairs. According to available information, the Government had not only failed to take the measures recommended by the Committee but also to react to several complaints which were likely to violate the principles of freedom of association and free collective bargaining. These complaints concerned, inter alia, the employees of penal institutions which had been made for some time; a number of complaints had been suspended, the stability of the status of employment had been put in question and henceforth the Government alone would set the conditions of work in this sector. On several points the Government had confirmed the contradictions that had been noted between national legislation and the Convention. It must thus be concluded that the Government of Venezuela continued in its failure to apply the principles of Convention No. 87. The Government had not only remained unchanged even after the changes in Government. The Committee of Experts had observed, in its observation of February 1999, that the situation of workers and their organizations during its electoral campaign. The information provided by the Venezuelan Government represented was not much different from the statements which had been made on previous occasions, without having achieved sufficient progress in practice, nor having provided the guarantees for the full exercise of freedom of association. The Government failed to take the necessary measures to prevent the deterioration of the situation. He emphasized that human rights were at risk and their deterioration had intensified. He requested that this case be included in a special paragraph.

The Worker member of Colombia pointed out, as had just been stated, that freedom of association was essential to democracy. As such, it was an important tool for the protection of workers' rights. The Government of Venezuela had suspended the freedom to organize and had acted contrary to the provisions of the ILO Conventions. The Government had issued a series of decrees which were in violation of the provisions of the Conventions, in reality it had issued decrees which violated Articles 23 and 31 of the Constitution, as well as the rights of workers in the oil and in the judicial sectors, as well as doctors and state workers. One of these decrees had suspended the process of negotiation of a collective agreement for oil workers and the national executive had taken a position against the workers' demands. The Workers had pointed out that a new government had been elected and that negotiations should be resumed. The Government of Venezuela had not acted according to the principles of freedom of association and free collective bargaining. The case of Venezuela had been discussed by the Committee four times over a short period. It had been repeated that the case of Venezuela had been discussed by the Committee four times over a short period. The Committee of Experts had expressed its concern for the seriousness of the situation. It had underlined that human rights were at risk and that the deterioration of the situation had intensified. He emphasized that the situation was serious and that the Government should take immediate action to bring the situation back to normal. He requested that this case be included in a special paragraph.
The full application of Convention No. 87. It was imperative that the Government really took seriously at last the requests of the Committee of Experts and the present Committee to bring legislation into conformity with the ILO conventions. Unless the Government took concrete and rapid measures in an area which concerned fundamental rights and which constituted an essential principle of the ILO. As this was a longstanding case, several promises made in the past had not been fulfilled, and in order to underscore the importance of this case, the Committee gave the Government a further reminder that this case should be placed in a special paragraph. Furthermore, the Government should be invited to carry out substantial changes by next year and to submit a report thereon to the Committee of Experts.

The Worker member of the United States expressed support to the Venezuelan workers and his grave concern at the situation in the country with regard to Convention No. 87. The Committee of Experts had referred to the comments of the World Confederation of Labour (WCL) regarding prohibitions on the right to organize and strike for workers in the judicial sector. While the Government representative had made references to the new Constitution and to the Government's intention to change the law, the situation described remained the same. While the Committee of Experts had previously noted the Government's undertaking to bring its national legislation and practice into conformity with the requirements of the international labour Conventions and that the delay in establishing the right to strike and to the appointment of non-members in union elections, a requirement which he considered an attack on trade union sovereignty and freedom of association principles. Moreover, collective bargaining rights for workers and their unions were not recognized.

The Government had made references to the new Constitution and to the Government's undertaking to bring its national legislation and practice into conformity with the requirements of the international labour Conventions. A number of propositions had been brought forward, but the Committee of Experts had expected after the recommendations made in the past, the Government did not bring national legislation into accordance with the recommendations of the Convention. The Employer members had heard only general policy statements from the Government representative, who had once again talked of future elections. While the Committee of Experts' comments made reference to the electoral situation, the Employer members saw suspended suspensions and that the reform process taking place in Venezuela today was unavoidable. Given the seriousness and urgency of the current situation in Venezuela he joined the Worker member of Venezuela in calling for the inclusion of a special paragraph in this case.

The Worker member of Mexico indicated that the Worker member of Venezuela had clearly explained the serious problems confronting trade union organizations in Venezuela. He indicated that the legal and constant practice of Venezuela violated the provisions of Conventions Nos. 87 and 98 and that at present it was seeking to amend the Constitution to create a body for the petroleum sector. An element of a new legislative body was under way. The political parties which had failed to appear at the initiative of the Venezuelan people and this was done within the framework of a peaceful process with the Committee of Experts. The reform process taking place in Venezuela today was unavoidable. Previous governments could not be compared to the present one. This Government had assumed its functions hardly a year and a half ago. It had never been a situation before taking the steps requested by the Committee of Experts.

The Government representative had also referred to the request for the inclusion of a special paragraph. The Employer members had heard only general policy statements from the Government representative, who had once again talked of future elections. The Employer members expressed concern with the practical attitude of the Government, which it considered contrary to the provisions of the Convention. The Employer members saw suspended suspensions and that the reform process taking place in Venezuela today was unavoidable. Given the seriousness and urgency of the current situation in Venezuela he joined the Worker member of Venezuela in calling for the inclusion of a special paragraph in this case.

The Worker members stated that the observations made by the Committee of Experts, as well as the information that had been provided in the course of the discussion in the present Committee, had revealed contradictions in the information supplied by the Government representative. Contrary to what the Committee of Experts had expected after the recommendations made in the past, the Government had not brought national law and practice into conformity with the requirements of the international Conventions. Further information had confirmed that new legislative initiatives had been taken which were contrary to ILO Conventions and in particular Conventions Nos. 87 and 98. The Worker members therefore invited the Government to reassess its attitude and to indicate in its next report what measures it had taken to bring national legislation into conformity with the requirements of the international Conventions. In view of repeated observations and the total absence of follow-up to these observations, they agreed with the Employer members and other speakers in requesting that this discussion of the Convention be placed in a special paragraph.

The Committee took note of the oral information supplied by the Government representative and of the discussion which took place. Recognizing corruption and the consequences about the transition which would occur in the Venezuelan trade union movement, an accompaniment of the old parties, when the labour movement would express itself. Many trade union leaders had been associated with the political parties which had disappeared and many would no longer represent rapid changes which would affect the old union leaders, elected by their own workers. Finally, he indicated that these processes would shortly be successful. He regretted that issues which had not been raised in the comments of the supervisory bodies had been raised in the discussion, thus disturbing the debate. Concrete complaints should be presented formally so that the Government could send its observations at the appropriate time and not as was done here.

The Employer member of Panama indicated that he had felt that allusions had been made that he was ignorant for being one of the people who had analysed the Organic Labour Act of Venezuela and had prepared the complaint submitted to the Committee on Freedom of Association against the Government of Venezuela for FEDECAMARAS and with the support of the IOE (International Organisation of Employers). He pointed out that the internal politics of Venezuela was a matter for the Venezuelan people. The international obligations of the Venezuelan State with respect to Conventions Nos. 87 and 98 that had created an urgent situation requiring a quick and decisive response from the Government. The National Constituent Assembly had considered measures undermining the principles established in these Conventions in early 1999. A number of proposals had been made in 1999 and still pending called for a restructuring of the trade union system and mandated the participation of non-members in union elections, a requirement which he considered an attack on trade union sovereignty and freedom of association principles. Moreover, collective bargaining rights for workers and their unions were not recognized.

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present Committee without any positive results, the Committee de-
plored having to address this question once again. With regard to
the serious discrepancies between the national legislation and the
requirement of the Convention, the present Committee, in accord-
ance with the Committee of Experts, urged the Government to ur-
gently modify its legislation to ensure that workers and employers
were able to set up organizations free from interference from the
public authorities and their representatives in full freedom. It also
insisted on the need to delete the long and detailed list of
duties and aims imposed on workers’ and employers’ organizations.
In addition, the Committee expressed the firm hope that the de-
crees recently adopted would not impair the rights of workers’ and
employers’ organizations for furthering and defending the interests
of their members. It strongly urged the public authorities to refrain
from any undue interference which would restrict these rights or
impede their lawful exercise. The Committee expressed the firm
hope that the support of the Government to the Committees of
Experts would reflect concrete and positive developments and
urged the Government to report in detail on all the points raised by
the Committee of Experts. The Committee decided that these con-
clusions would figure in a special paragraph of its report.

Convention No. 95: Protection of Wages, 1949

Ukraine (ratification: 1961). The Government has communica-
ted the following information:

On the instructions of the President and the Cabinet of Minis-
ters of Ukraine, on the basis of information from ministries and
other central and local executive bodies and inspections by the
State Labour Inspectorate, the Ministry of Labour and Social
Policy of Ukraine carried out a study in 1999 on the observance
of labour laws, the timely payment of wages and outstanding
wage arrears.

I. Wage arrears by sector

The last four months of 1999 saw a steady decline in the level of
unpaid wages. On 10 January 2000, for the first time in four years,
wage arrears were reduced by 111,200,000 grivnas (1.8 per cent
since January 1999). In 1997 and 1998 wage arrears increased by
22.9 per cent and 26.2 per cent respectively. The number of employ-
ees whose wages were not paid on time decreased by some
1,500,000 (14 per cent).

As at 10 January 2000 unpaid wage arrears in all branches of the
country amounted to 6,399,500,000 grivnas, of which 35.8 per cent
was in the state-owned sector, 63.3 per cent in collectively owned
enterprises and 0.6 per cent in enterprises of other types. Since
the beginning of the year 2000 wage arrears declined in 19 sectors out
of 39, among them education (-41.2 per cent); social security
(-39.4 per cent); health (-37 per cent) and forestry (-32.6 per cent).

The largest increases in wage arrears were registered in banking
(+380.6 per cent); information technology (+117.5 per cent); non-
productive public services (+80.3 per cent); housing (+52.7 per
cent); communications (+51.7 per cent); and heating (+43 per cent).

The proportion of unpaid wages to total earnings taking all types
of enterprises into account, was 17.1 per cent (21.8 per cent in
1998). In sectors owing wage arrears, unpaid wages accounted for
22.8 per cent (33.6 per cent in 1998).

In the publicly financed sphere wage arrears fell by 337.7 million
grivnas (38.5 per cent) since 10 January 1999; accounting for
540.6 million grivnas (8.4 per cent of all wage debt in the country’s
economy), a decrease of 13.5 per cent since January 1999. Wage ar-
rears in the industrial sector have fallen since January 2000 in 20
out of 41 branches in the sector, notably gas (-88.4 per cent); oil
(-6.9 per cent); non-ferrous metallurgy (-46.8 per cent); hydro-
electric power (-45.8 per cent); fisheries (-44.9 per cent); and fer-
rous metallurgy (-39.1 per cent).

The steepest rises in wage arrears in the industrial sector were
recorded in micro-biology (+51.1 per cent); flour-milling, cereal and
mixed-feed production (+47.1 per cent); in glass and porcelain
(+37.5 per cent); nuclear power (+34.9 per cent); and in leather,
furs and footwear (+33.6 per cent). The proportion of unpaid wages
to total earnings for all enterprise types was 16.7 per cent (22.8 per
cent in 1998). In enterprises with outstanding wage arrears, unpaid
wages accounted for 27 per cent (32.5 per cent in 1999).

In 1999 wage arrears from previous years were settled in the
amount of 4,709,400,000 grivnas (72.7 per cent of the debt for the
corresponding years).

The figures for January 2000 on most regions and in a broad
range of sectors of social and economic spheres, which measures
recently undertaken by the Government at national and local
levels will continue the positive trends regarding the wage debt.

The driving factor in the wage-debt dynamic was Presidential
Decree No. 95898 of 31 August 1998 “on additional measures for
containing artificial increases in wage arrears”. The Decree made it
possible not only to slow down the rate of increase in wages over a
period of one and a half years, but also to reduce the wage debt
across the board by 92 million grivnas (1.4 per cent). At the same
time, average wages have risen by 140 per cent. Wage arrears in the
industrial sector, which formed the main object of the Decree, have
nearly stabilized.

The Chief impediments to the solution of the wage arrears prob-
lem are the financial straits of the enterprises, extensive debtor and
creditor liabilities and the fact that operations can go on even
though materials and labour may not have been paid or other finan-
cial obligations met. One of the main reasons for strained finances
and the accumulation of wage arrears is, in our submission, the
prevailence of unprofitable enterprises. All this makes it more diffi-
cult for enterprises to settle wage and mandatory pay-related con-
tributions.

To a degree, articles 33 and 34 of the wage law, which link wages
and compensation for unpaid wages to inflation, have also delayed
the settlement of wage arrears.

II. Monitoring wage arrears payments

The steady increase in wage arrears has made the monitoring of
compliance with labour legislation a high priority. The State Labour
Inspectorate of the Ministry of Labour and Social Policy has ac-
cordingly focused on breaches of wage legislation, identifying un-
derlying causes of those breaches, preventing further breaches and
prosecuting offenders. The State Labour Inspectorate is responsible
for monitoring compliance with decrees and orders by the President
and the Cabinet of Ministers governing the payment of wage ar-
rears, indexation and compensation for late payment of wages. The
Ministry of Labour and Social Policy reports to the Cabinet of Min-
isters on a quarterly basis.

Order No. 195082/2 of 8 August 1999 by the Cabinet of Ministers,
which responded to a presidential request of 4 August 1999 was is-
sued in order to ensure the timely payment of wages in state-owned
 undertakings, to increase the volume of dividends paid on shares
 held by the State and to terminate the contracts of heads of enter-
prises who infringe wage laws. Pursuant to that Order, the State
Labour Inspectorate investigated (September-December 1999) the
payment of wage arrears in joint-stock companies in which the
State held shares.

Inspections were made of 1,107 companies. In 934 of them
(84.4 per cent) the State lacked a controlling interest and was,
therefore, unable to exert a direct influence on the payment of
wages. Thanks to the work of the Labour Inspectorate progress
was made: arrears in the amount of 43.5 million grivnas were paid,
in some of which undertakings constitutes full settlement of the wage
debt. The conditions of payment of wages and wage arrears to em-
ployees of collectives partially owned by the State were improved.
That brought to the attention of entities with legal personality that exer-
cise corporate rights.

A particularly acute and complicated situation has emerged dur-
ing the mining sector where the government holds 5.2 per cent of the
shares in the payment of wages, third-party claims, and lump-sum al-
lowances. According to information supplied by the State Statistics
Committee wage arrears as of 10 January 1999 amounted to
731.7 million grivnas, approximately 12 per cent of aggregate wage
arrears in Ukraine. Measures undertaken by the Government, min-
istries and other central and local executive authorities late in 1999
made it possible to reduce the increase of wage arrears in the min-
ing sector. Statistical data indicated as of January 2000 a 6 per cent
reduction in wage arrears, which came to 60.5 per cent of dividends
paid on shares. In keeping with resolution No. 1699 of 15 August 1999 by the Cabinet
of Ministers the State Labour Inspectorate investigated the pay-
ment in kind of wage arrears with food and consumer goods in 69
enterprises in the mining sector. The investigation showed that a
majority of undertakings in the sector the payment in kind of
wages and wage arrears was exceedingly rare. A programme to
refurbish mining sector undertakings and improve their financial po-
tition for the year 2000 has been drawn up. The programme was ap-
proved by resolution No. 1021 of 19 October 1999 by the Gover-
ment of Ministers. The programme is broad in scope and seeks inter alia
to eliminate tendencies associated with wage arrears.

Wage arrears owing to employees in the agricultural sector have an
adverse knock-on effect on the workforce and the whole agriculture.
This, especially critical situation has arisen with the reorganisation of col-
lective agricultural enterprises. The State Labour Inspectorate has
brought to the attention of entities with legal personality that exer-
cise corporate rights.
enterprises that were investigated had legal successors been designated. In the remaining 60 per cent the legal problems have yet to be resolved. Forty-three per cent of the undertakings that were investigated had failed to pay wage arrears on time to their employees. As to the employees of reformed collective agricultural undertakings, only one in five had received property in partial payment of wage arrears. To minimize social tensions in the agricultural sector a programme of reform was drawn up which made the right of the successor to the former enterprise to have infringed labour laws was issued 26,000 administrative orders. Penalties were imposed in 1,742 instances for failure to comply with the lawful demands of state labour inspectors. The courts received 2,299 cases of alleged administrative offences, and 1,349 decisions have been rendered calling for administrative penalties. Offending parties were ordered to pay penalties in the amount of 101,000 grivnas.

In accordance with Order No. 141 of 21 August 1998 by the Ministry of Labour and Social Policy, the Labour Inspectorate rigorously inspects all enterprises, institutions or other bodies which have accumulated wage arrears. Its efforts have led to the payment of 888.5 million grivnas, which represents 33.2 per cent of outstanding wage arrears. The experience of the effectiveness of these inspections is the decrease in wage arrears recorded in 17 regions throughout Ukraine. One in every seven heads of enterprises with wage debts (i.e., 3,399 people), was prosecuted under administrative law and penalties were imposed in the amount of 255,400 grivnas. Internal enterprise-disciplinary procedures were brought against 153 heads of enterprises.

Pursuant to Presidential Order No. 1-14-1834 of 29 December 1999 the Ministry of Labour and Social Policy and the Ministry of Justice have drafted and submitted to the Supreme Rada a proposal amending the Criminal Code of Ukraine and the Code of Ukraine on Administrative Offences to increase the liability of heads of enterprises for untimely or partial payment of wages. This proposal is expected to become law in 2000.

To foster further measures governing the payment of wage arrears, allowances, pensions, scholarships and other social benefits the Cabinet of Ministers by a resolution entitled “Further measures concerning the payment of social benefit arrears out of budgets at all levels” placed a duty on ministries, other central and local executive authorities and local self-governing bodies to approve and monitor compliance by state and communal enterprises with schedules of wage arrears payments by increments of no less than 10 per cent monthly. For non-compliance wage arrears are to be paid from the state budget.


III. Reform of the State Labour Inspectorate

The current structure of the Labour Inspectorate does not fulfill the requirements of the ILO in respect of the Inspectorate’s independence from local executive authorities. For this reason, contrary to the provisions of the General Agreement for 1999-2000 signed by the Cabinet of Ministers of Ukraine, the Confederation of Employees of Ukraine, and the trade unions, it has not been possible to ratify the ILO Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

At the same time, massive breaches of labour law, particularly in respect of wages, labour agreements, working time and periods of rest, pensions, social and compensatory payments, call for more vigorous state control.

To this end, the Ministry of Labour and Social Policy of Ukraine has proposed the establishment under its authority of a new governmental body, a Department of State Supervision of Compliance with Labour Legislation, based on the State Labour Inspectorate. By conferring governmental status on the new department, the Government intends to safeguard the legal and social functions associated with so important an institution as the State Labour Inspectorate.

In addition, before the Conference Committee a Government representative, the Minister of Labour and Social Policy, indicated that his Government realized that the problem of wage arrears was an acute social problem, and that the next step leading to the payment of wages on a regular basis in accordance with the legislation. He explained that the main reasons for that were the difficult economic and financial conditions in the country, due to radical structural transformations, the privatization of state property, as well as radical transformations in the agricultural sector. The process of adaptation to the new conditions of a market economy had turned out to be more lengthy and complex than was initially expected. In such difficult conditions, the President and Government of Ukraine were vigorously pursuing measures to stabilize the economy. Nevertheless the steady growth in gross national product and increase in the industrial output in the second half of last year and the first quarter of 1999 illustrated that that period had been a period of stabilizing and that the preconditions for a positive social environment were being created. The new Government had drawn up a programme of activities entitled “Reforms in the name of prosperity” which creating the necessary preconditions necessary to raise the standards of living and overcome poverty.

The Government representative stated that, thanks to the coordinated efforts of his Government, employers and workers had witnessed a steadily improving situation in which the wage arrears in the second half of last year. On 1 January 2000 and for the first time in four years, wage arrears were brought down by 120 million grivnas. Taking into consideration that wage arrears went up by 23 per cent and 26 per cent respectively in 1997 and 1998, this should be considered as a significant step forward. Moreover, the number of employees whose wages were not paid on time went down by some 1.5 million. The Government representative went on to describe the allocation of wage arrears in various sectors of the economy as of 1 January 2000. State-owned enterprises and institutions accounted for 36 per cent of the total wage debt. Joint-stock companies and collectively owned enterprises accounted for 64 per cent of the total wage debt. The proportion of unpaid wages to total earnings for all types of enterprises was 11 per cent in 1998. In the publicly financed sphere, wage arrears had fallen by 337.7 million grivnas (some 40 per cent) since 10 January 1999.

This year there was 100 per cent financing of current wage payments and other social expenditures in the publicly financed sphere. His Government had adopted a resolution entitled “on further measures concerning the payment of social benefit arrears out of budgets at all levels”. This resolution instructed ministries, agencies and regional bodies of the Executive to utilize additional non-budgetary sources in order to pay wage arrears of the previous years. This allowed the reduction in wage arrears in the publicly financed sphere to be maintained this year. The comparison of the indicators of this year with those of the previous year has shown a positive trend in the matter of payment of wage arrears would be preserved in the non-budgetary sector. The Presidential Decree on additional measures for limiting artificial increases in wage arrears had contributed to this trend to a significant degree. Furthermore, the Government had undertaken measures aimed at reducing contributions depending on the amount of wages. A bill abolishing primary payments to the budget had been drafted and submitted to the Supreme Rada of Ukraine (Parliament). This would allow enterprises to reduce their labour and social insurance, and, in general, lower the real wages of their employees. As to the employees of reformed collective agricultural undertakings, there was an obvious incompatibility with Convention No. 95, which provided for the extinguishment of wage arrears, and earlier this year illustrated that the economy was gradually stabilizing and that the preconditions for a positive social environment were being created. The new Government had drawn up a programme of activities entitled “Reforms in the name of prosperity” which creating the necessary preconditions necessary to raise the standards of living and overcome poverty.

With regard to the issue of monitoring wage arrears payments, the State Labour Inspectorate of the Ministry of Labour and Social Policy had focused on breaches of wage legislation, identifying the underlying causes of those breaches, preventing further breaches and prosecuting offenders. The Ministry of Labour and Social Policy reported to the Cabinet of Ministers on a quarterly basis in respect of these matters. Pursuant to the Order of the Cabinet of Ministers of Ukraine in 1999, the State Labour Inspectorate investigated the payment of wage arrears in joint-stock companies in which the State held shares. In the majority of joint-stock companies that were inspected, the State lacked a controlling interest. The executive bodies were therefore unable to exert effective influence on the operations of joint-stock companies of wage arrears. In the speaker’s view, this task could be accomplished more efficiently together with the social partners, primarily the trade unions. Collective agreements were constantly being improved to that end. Thanks to the efforts of the Labour Inspectorate, progress could be reported: arrears in the amount of 43.5 million grivnas were paid, which in some undertakings constituted full settlement of the wage debt.

A particularly difficult and acute situation had emerged in the mining sector. Nevertheless, largely due to measures undertaken by the Government late in 1999, it had been possible to reduce wage arrears in the mining sector by 6 per cent. Measures had additionally been undertaken this year to preserve this positive trend. A programme to reform mining sector was drafted and submitted to the Supreme Rada of Ukraine (Parliament). This would allow enterprises to lower the real wages of their employees. As to the employees of reformed collective agricultural undertakings, there was an obvious incompatibility with Convention No. 95, which provided for the extinguishment of wage arrears, and earlier this year illustrated that the economy was gradually stabilizing and that the preconditions for a positive social environment were being created. The new Government had drawn up a programme of activities entitled “Reforms in the name of prosperity” which creating the necessary preconditions necessary to raise the standards of living and overcome poverty. The State Labour In-

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The law of Ukraine on wages stipulated that wages should be paid in legal tender. The payment of wages in the form of promissory notes, vouchers or in any other form was prohibited. These provisions fully complied with the requirements of Convention No. 95. Regarding the payment of wages in the form of allowances in kind, the law allowed, as an exception, the partial payment of wages in such form in those sectors where such payments were customary or distributable. In 1998, 11.5 per cent of all the amount of wages was paid in the form of allowances in kind. In the first quarter of 2000, such payments had been significantly reduced, amounting to 7.9 per cent. In 1999, the State Labour Inspectorate had received information on 9,000 enterprises, of which the Inspectorate had resulted in 26,000 administrative orders issued to heads of enterprises and institutions where infringements of labour laws were discovered. Penalties were imposed in 1,742 instances for failure to comply with the legitimate demands of state labour inspection. The courts heard 2,599 cases of alleged administrative offences and 1,349 decisions had been rendered calling for penalties. Offending parties were ordered to pay penalties in the amount of 255,000 grivnas. As a result of the activities of the State Labour Inspectorate, wage arrears were settled in the amount of 885,800,000 grivnas. Finally, the Ministry of Labour and Social Policy and the Ministry of Justice had drafted and submitted to the Supreme Soviet of Ukraine a bill amending the Criminal Code of Ukraine concerning the implementation of the recommendations of the Committee of Experts concerning the implementation of Convention No. 95. It was expected that this measure would improve the situation, but significant progress was not achieved. The situation had not improved but rather it had worsened.

In conclusion, the speaker indicated that the process of stabilization was under way and that the final resolution of the problem of wage arrears depended on overcoming the economic crisis. At the same time, his Government counted on further cooperation in this matter with the ILO and its experts. The Worker members emphasized that non-payment of wages was a worldwide problem that affected millions of workers. It was thus normal that this question was once again on the agenda of this Committee. The implementation of Convention No. 95 by Ukraine had given rise to observations from the Committee of Experts in 1998, 1999 and 2000. In the first report, the Committee of Experts focalized on the implementation of Article 12, paragraph 1, supplementary information was also requested regarding the prohibition on the payment of wages in the form of vouchers or coupons; regulations on payment of wages in kind; the rank of the employee as a privileged creditor for wages due in cases of bankruptcy; and the sanctions imposed for violations. The Committee of Experts had also emphasized the need to adopt efficient measures to ensure supervision, and effective application of sanctions, as wage arrears and problems on this respect. The situation had not improved but rather it had worsened. The Government's reply to observations of the Committee of Experts gave a contradicted picture of the changes in salary arrears. Consequently, the information provided by the Government was not presented in a clear and comprehensive manner as to the extent of these arrears. The high amount of these arrears was both clear and alarming. In this regard, the results of a study carried out by the ILO in 1999 on industrial enterprises in Ukraine which employed more than 500,000 workers was just alarming. 30 per cent of the factories admitted having great difficulty in paying wages, four out of five had not paid the full contractual amount, and on average these firms had arrears in excess of 20 weeks. The rapid regularization of the situation, promised by the Government at the stabilization discussions, did not take place in practice. Moreover, it was to be noted with concern that only very modest sanctions had been handed down against persons responsible for these arrears. The fines imposed were not commensurate with the extent of these arrears and most often were not even paid. The Government admitted that the tribunals which examined violations tended to minimize the responsibility of the guilty parties. It was impossible to fight efficiently against these practices without a genuine will to sanction those who were responsible.

The Worker members noted that the non-payment of wages was a problem which could not be solved merely by adopting legal provisions or by establishing a legal framework to be established. Nevertheless, the problem could not be solved merely by adopting legal provisions or by establishing a legal framework. The problem was also related to the existence of a functioning market economy. In this respect, it was important to note that the sanctions needed such as provisions providing for workers' entitlement to the enforcement of the court decision concerning the payment of their or her wages which would be immediately executory by means of the granting of a provisional injunction. Another important aspect was the legal aspect concerning the payment of wages. The Employer members recalled the legal situation in other democratic States where the non-payment of wages was considered as fraud under the Penal Code if the employer employed a worker knowing in advance that the latter's wage would not be paid. This aspect was important and needed to be incorporated in the legal framework to be established. Nevertheless, the problem could not be solved solely by adopting legal provisions or by establishing a legal framework.

In conclusion, the Employer members emphasized the problem could not be solved by issuing a large number of decrees and regulations but by establishing a legal framework which was oriented towards enabling the country to establish a viable market economy. The Government should of course report on the measures taken in this respect.

The Employer member of Ukraine stated that the reasons for the ongoing non-payment of wages was mainly due to unresolved economic and financial difficulties. The mining, metallurgy and construction industries.

The Employer members noted the statement of the Government representative acknowledging that there was a clear violation of the Convention by Ukraine. The Government representative further recalled the reasons which had given rise to this deplorable situation and had enumerated the political objectives of his Government in order to resolve the problem. In due note of the statement, the Employer members observed from previous discussions in this Committee that it was not only Ukraine but also many other countries, undergoing the transitional period from a centrally planned economy to a market economy, that were facing the same problems.

As regards the written information provided by the Government, they noted that the problem of wage arrears was only mentioned in respect of a few enterprises, namely in the fishing sector, and could not represent the whole picture. It was their view therefore, that no private enterprises existed in Ukraine or that such enterprises had no arrears in wage payments. The Employer members noted measures taken by the Government, including the supervision of wage arrears payments, in order to resolve the problem. These measures apparently had led to a partial payment of wages. They further noted that under the terms of the General Agreement for 1999-2000 concluded between the Cabinet of Ministers, the Confederation of Employers and the trade unions, wage arrears should be paid off by the end of 2000 in state-owned enterprises. The Employer members doubted however, that the problem of wage arrears could be solved in the near future.

The Worker members noted that the non-payment of wages was the result of the economic crisis and that it was impossible to fight efficiently against these practices without a genuine will to sanction those who were responsible. The Government should therefore take all necessary measures to introduce effective supervision, appropriate penalties and reparation. In this respect it must be noted that the implementation of Convention No. 95 by Ukraine and the Code of Ukraine on Administrative Offences to the Supreme Soviet of Ukraine a bill amending the Criminal Code of Ukraine concerning the implementation of the recommendations of the Committee of Experts had also emphasized the need to adopt efficient measures to ensure supervision, and effective application of sanctions. These measures were needed such as provisions providing for workers' entitlement to the enforcement of the court decision concerning the payment of their or her wages which would be immediately executory by means of the granting of a provisional injunction. Another important aspect was the legal aspect concerning the payment of wages.

In conclusion, the Employer members emphasized that the problem could not be solved by issuing a large number of decrees and regulations but by establishing a legal framework which was oriented towards enabling the country to establish a viable market economy. The Government should of course report on the measures taken in this respect.

The Worker member of Ukraine stated that the reasons for the ongoing non-payment of wages was mainly due to unresolved economic and financial difficulties.
Furthermore, at the insistence of the trade unions of Ukraine, the Government and the employers of Ukraine committed themselves to pay wage debts and strengthen enforcement of the payment of wages in the General Agreement for 1999-2000. Finally, the trade unions of Ukraine had repeatedly carried out nationwide protests to ensure the prompt payment of wages. However, their efforts were not sufficient, and it was for this reason that the Federation of Trade Unions of Ukraine had again submitted a representation to the ILO. The speaker pointed out that the mere fact that the trade unions of Ukraine had been discussing the Government to look more actively for a positive resolution thereto. Hence, two weeks ago, the President of Ukraine, speaking to a congress of enterprises, had said that the fact that Ukraine was not able to pay its workers in time had to be explained. When position twice in three years to the Committee was a scandal and had urged employers to ensure prompt wage payments. Moreover, pursuant to the meetings of the heads of the Tripartite Commission with the Prime Minister of Ukraine, an agreement was reached that wage arrears would be paid by the end of 2000. The speaker trusted that this would be achieved.

The Worker member of Denmark, speaking on behalf of Nordic workers, supported what had been stated by the Worker members as well as the Worker member of Ukraine. It was said to read in the Committee of Experts' report that the problem of wage arrears was increasing, especially since almost 50 per cent of workers were affected by this problem. In this context, one would have expected the Government to react with the issue seriously. This was not to have been the case. The efforts undertaken by the Executive were proven to be ineffective. It was further mentioned in the Committee of Experts' report that the level of fines was very low and imposed on persons responsible that the courts, when examining violations of labour legislations tend to tone down the culpability of those responsible because of the difficult financial situation and to often make inappropriate decisions in view of the social tensions caused by such violations.

Underlined, however, that the Government should provide further information to the Government. According to this information, in the last four months of 1999, there should have been a steady decline in the level of unpaid wages. On the other hand, the Government stated that inspections of enterprises and industries by the Labour Inspectors were so inadequate that the State lacked a controlling interest in many of these companies and was unable to exert a direct influence on the payment of wage arrears. Moreover, an ILO press release dated 25 April 2000 contained information that the percentage of wage arrears was continuing to increase. As a result, the Government should be urged to take the respective measures rapidly.

The Government representative indicated that his Government would have to take urgent measures to remedy this disastrous situation. This was also true of employers in the case of private undertakings. The Government should be called upon to take urgent measures to remedy this disastrous situation. Hence the speaker believed that the problem of wage arrears was very serious and not at all fair for workers. Moreover, it appeared that the problem of wage arrears was very serious and not at all fair for workers. More than 50 per cent of workers were affected by this problem in Ukraine and the average worker had not received more than three months of wages. Inflation has also contributed to the problem, arrears was continuing to increase. As a result, the Government should be urged to take the respective measures rapidly.

The Government representative indicated that his Government would have to take urgent measures to remedy this disastrous situation. The situation concerning the payment of wages to all employees and avoidance of any wage arrears in the future so that the requirement of Convention No. 95 were fully met. Despite the difficult economic situation in the country, his Government intended to decrease wage debt to an absolute minimum. However, 65 per cent of the wage debt was to be found in the private sector. His Government was trying to seek a solution to this problem in consultation with the social partners. Finally, his Government intended to step up the enforcement of the State's powers and cooperate with the State's institutions to increase the criminal liability of those responsible for non-payment of wages. The speaker assured the Committee of the Government's intention to resolve the problem and believed the discussion in the Committee would have a direct impact on government action in the future.

The Worker members noted the seriousness and persistence of Ukraine's failure to comply with Convention No. 95. It was plain from the statements by the Worker member of Ukraine that between 8 and 9 million workers were affected by the problem of salary arrears and that these arrears could be measured in years. Steps already taken would have to be evaluated by the social partners with a view to reinforcing them and ensuring that they were effective and that the same measures would be put to effect. The Government should, as the Committee of Experts requested, provide detailed information on action taken to remedy the situation and on the results achieved. The dialogue with the Committee of Experts on the enforcement of the State's powers and the Government should provide information on its commitment to settle all wage arrears in the public sector by the end of 2000. Lastly, the Worker members considered that technical assistance from the Government on how to settle all salary arrears in the public sector is entirely needed. The Government should assist the Committee, which can serve to the purpose of improving the situation. The assistance, which has been requested by the Government, should form the subject of an express programming decision.

The Employer members indicated that this issue had been examined and discussed at length. With regard to the statement by the Government representative concerning the difficult budgetary situation of the State, they pointed out that this only affected state-owned enterprises. Hence, more state-owned enterprises needed to be privatized since it was not incumbent upon any government to assume responsibility for private creditors. The Government could then improve the budget situation of the Government. They further welcomed the view of the Employer member of Ukraine who...
The negotiation of "over-award" terms and conditions. It had—

Pure collective bargaining without recourse to federal or state payment of wages, but also for the prohibition of payment in the—
sider these technical matters, he wished to provide some back-
Committee of Experts, sought to examine observations raised by
stated that the Government was surprised that this Committee, giv-
to ensure the application of the Convention, not only for the regular
continue, with the assistance of the Office, to adopt effective measures

Convention No. 98: Right to Organise and Collective Bargaining, 1949
Australia (ratification: 1973). A Government representative stated that the Government was surprised that this Committee, give-
its charter to examine the more serious matters raised by the Committee of Experts, relied on the points raised in its discussions in ques-
sion would be seen to comply with the Convention. The Committee
at the initiative of his or her employer. The only remedies that the
Federal Court could provide to a worker who was threatened or con-
part XVA prohibited an employer or independent contractor from threat-
ing his or her choice. Its provisions prohibited an employer or principal, or another union, from acting prejudicially towards an employee or independent contractor, merely because that employee or independent contractor was a member of another union. Part XVA also offered protections to workers who were not in an employment relationship. Unlike section 170CK, part XVA applied to actual, as well as threatened, conduct. For example, part XVA prohibited an employee or independent contractor (or threatening to do so) because that employee or independent contractor was a member of a union. Part XVA also safeguarded the right of a worker who was not in an employment relationship that was, independent contractors. In contrast, part XVA provided protections to a broader group of people. As well as offering protections to employees, part XV also offered protections to

The Act, and its predecessor, had always provided for collective bargain-
from award standards set by consent or arbitration, but it had al-
always been permissible to derogate by common law agreement
and arbitration which, while compulsory, was intended to, and had
industrial tribunals. This was formerly quite common in remote
locations but the advent of rapid travel and communications had
led to its decline.

— Pure collective bargaining without recourse to federal or state
industrial tribunals. This was formerly quite common in remote
locations but the advent of rapid travel and communications had
led to its decline.

— Enforceable awards of industrial tribunals made "by consent", where the parties entered into negotiations and reached agree-
ment on matters in dispute between them and had presented the
resultant agreement to the tribunal to be formalized as an
award.

— Awards of industrial tribunals made by arbitration and covering
any matters not already agreed upon by the parties. The resultant
award would be characterized as the product of arbitration but
was, in a very real sense, the product of a process of collec-
tive bargaining.

— The negotiation of "over-award" terms and conditions. It had
ever been permissible to derogate by common law agreement
from award standards set by consent or arbitration, but it had
tract from those provisions of the Act which had previously been accepted as complying with the Convention. It was true that the Act now provided additional machinery to facilitate individual bargaining as an alternative to collective bargaining where that was what the parties wanted. His Government agreed that, having regard to national conditions in Australia, this was consistent with Article 4 of the Convention.

In this regard, his Government noted that Article 4 did not impose an onerous obligation on governments to promote collective bargaining. Article 4 required measures for the encouragement and promotion of collective bargaining to be taken where necessary and that such measures were to be appropriate to national conditions. His Government mentioned the following features of the Australian industrial relations system:

- at the federal level, Australia had a formal industrial relations system for almost a century and at the state level for longer than that;
- participation in the formal system was voluntary; employers and employees or their organizations were free to negotiate and make agreements outside the formal system;
- the formal system had and continued to be, based on collective bargaining and, AWAs must be underpinned by awards;
- in the terms of Article 4, the system continued to provide machinery for the negotiation of collective agreements while also providing for individual bargaining for those who did not wish to bargain collectively;
- there were penalties for coercing a person to enter into an AWA;
- collective bargaining remained the norm in Australia—almost 2 million employees were covered by collective agreements made under the Act, with approximately 90,000 employees covered by AWAs;
- if the number of employees covered by awards was taken into account, then some 6 million Australian workers were covered by arrangements made by collective bargaining compared with 90,000 covered by individual agreements;
- Australia had mature, sophisticated and well-resourced trade unions and employer organizations able to inform members of their rights and obligations and to negotiate collective bargaining, or individual bargaining with equal facility;
- an employee who chose to bargain individually could arrange to be represented by a trade union during negotiations.

Against that background, his Government maintained that, in the language of Article 4, national conditions in Australia meant that the current legislation was consistent with the Article. His Government found support for that view in the preparatory work for Convention No. 98. The text of Article 4 which emerged from the first discussion referred to measures to "induce" the social partners to engage in collective bargaining. During the second discussion, the word "induce" was replaced by the words "encourage and promote" which had a somewhat different connotation. It was clear that in addition to these words, the text of Article 4 substantially followed a draft proposed by the Government member of the United Kingdom during the second discussion of Article 4. The preparatory work contained the statement of the representative of the Government of the United Kingdom who stated that "the object of this Article should be to lay down the obligation to encourage the progressive development of collective bargaining, having regard to the actual conditions of the country in question". He suggested a change of terminology which seemed to him more appropriate to the object in view. He therefore proposed, as a sub-amendment, the following draft of Article 4: "Measures shall be taken as appropriate and necessary to encourage and promote the progressive development of negotiation between employers and employees' organizations on the one hand and workers' organizations on the other, with a view to the regulation of terms and conditions of employment by means of collective agreements." The representative of the United Kingdom had referred to "the actual conditions of the country in question". In those words, Article 4 made it unnecessary to continue to promote and encourage collective bargaining.

As explained earlier, the reasons for this were presented earlier by the speaker.

The Committee of Experts stated that the Workplace Relations Act gave primacy to individual over collective relations. That was true only to a very limited extent and, in any case, was largely a matter over which the parties had control. An AWA would prevail over a collective agreement only where either: the collective agreement was expressly permitted the AWA to prevail; or a new collective agreement would prevail over an existing AWA that had passed its specified expiry date. Those provisions, in effect, gave the parties control over whether an AWA would prevail over a collective agreement or vice versa. In this Government's view, the provisions provided for a consistent agreements primacy over collective agreements except where that was the wish of the parties.

It should also be noted that AWAs were subject to the so-called "no disadvantage test". This meant that an AWA must be tested against an award or other law of the Commonwealth or a state that was relevant to the employment of the worker to be covered by the AWA. With some specified exceptions, the AWA must not result in a reduction in the overall terms and conditions of employment of the employee as provided for in the relevant award or other instrument.

In summary, under the Workplace Relations Act:
- collective bargaining was provided for;
- collective bargaining continued to be the norm in Australia;
- a substantial majority of Australian workers were covered by collective agreements;
- a worker negotiating an individual agreement might be represented by a trade union;
- as a general rule, an individual agreement could not disadvantage a worker by reducing the terms and conditions of employment that workers would otherwise be entitled to;
- the right of an employer to enter into an agreement with an employee was based on whether that was the wish of the parties.

The Worker members indicated generally that Convention No. 98 was not about tolerating collective bargaining but promoting it. In 1998, some members of this Committee had criticized the Committee of Experts for having made its observations too quickly without having all the relevant information and in particular, the observations of the Government. Two years later, in addition to the comments of the Australian Chamber of Trade Unions (ACTU), the Australian Chamber of Commerce and the Government's detailed observations, the Committee of Experts had made its comments based on the detailed discussion that took place in this Committee two years ago, the decisions of the Australian Industrial Relations Commission and the Federal Court of Australia, the further comments of the ACTU and the Government's reply thereto. Two years later, in addition to the comments of the Australian Chamber of Trade Unions (ACTU), the Australian Chamber of Commerce and the Government's detailed observations, the Committee of Experts had made its comments based on the detailed discussion that took place in this Committee two years ago, the decisions of the Australian Industrial Relations Commission and the Federal Court of Australia, the further comments of the ACTU and the Government's reply thereto. Two years later, in addition to the comments of the Australian Chamber of Trade Unions (ACTU), the Australian Chamber of Commerce and the Government's detailed observations, the Committee of Experts had made its comments based on the detailed discussion that took place in this Committee two years ago, the decisions of the Australian Industrial Relations Commission and the Federal Court of Australia, the further comments of the ACTU and the Government's reply thereto.

The Committee of Experts had thus concluded that the exclusion (or potential exclusion) of these workers from the protection of the Workplace Relations Act as amended in 1998, remained problematic and would accordingly recommended that the Government amend the Act. The Committee of Experts had also concluded that there was inadequate protection for workers against discrimination based on the negotiation of an AWA and that countries continued to have concerns regarding the clear wording of the Act, which excluded the negotiation of multiple business agreements from being considered "protected action". The Committee of Experts had recommended the Government to amend the Act.

Furthermore, the Committee of Experts had previously expressed concern over the following issues: that primacy was given to individual over collective relations through AWA procedures; that preference was given to workplace/enterprise-level bargaining; that the Act did not require collective bargaining to continue to be appropriate where it was relevant to collective agreements; and that the preferences expressed by employers and employees in the event of a failure to agree on the negotiation of an AWA or any collective agreement was not reflected in the Act. The Committee of Experts had also expressed concern over the following issues: that primacy was given to individual over collective relations through AWA procedures; that preference was given to workplace/enterprise-level bargaining; that the Act did not require collective bargaining to continue to be appropriate where it was relevant to collective agreements; and that the preferences expressed by employers and employees in the event of a failure to agree on the negotiation of an AWA or any collective agreement was not reflected in the Act.
Belgian spokesperson for the Workers' group, Mr. Jefperts considered that the scope of the two anti-discrimination provisions was sufficiently different, in particular since a protection provision applied to a wider range of trade union activities, and that the exclusions from the protection under that section remained problematic. The Employer members noted that this was consistent with a statement by the Committee of Experts that the former government of Mr. Houthuys had rejected both the observations and the recommendations of the Committee of Experts. Indeed, this was in line with the expression of all relevant points by a group of eminent experts in labour law, which included some of the current committee members and was not necessarily purely of a legal nature in this Committee, in order to contribute to the finding of solutions for problems identified by the Committee of Experts. Hence, the Committee of Experts could not be expected to take the same conclusions and recommendations. This would bring the Government and the supervisory system to an unfortunate deadlock, which would have serious consequences for the system as a whole. The Worker members assumed that the members of the Committee of Experts were competent and impartial, yet the Government rejected both the observations and the recommendations of the Committee of Experts, just as it did two years ago. In 1998, the Government had accused that body of ignoring information concerning the impact of the relevant provisions in practice, for it was of crucial importance to ask for such information in the event that there was disagreement on the protection provided by such provisions. The request for additional information in order to assist national authorities in their application of the Convention, with the Convention was an important element of the supervisory machinery. In this context, the Employer members noted that the Australian Government representative's statement that the Committee of Experts had not given free rein to different viewpoints and that the Government had, in any event, if the Government did not do anything, the Committee of Experts would repeat its observations, which in their opinion were based on a misunderstanding of the legislation. The Worker members were confident that the Committee of Experts had made an extra effort in understanding the Australian case over the past two years. They were also confident that the Committee of Experts had, in particular, sought the experience, the insight and the intellect of its Australian member who probably knew the situation in her own country well. They therefore could not accept the argument that the Committee of Experts had not understood the Australian context correctly. Nor could they understand the rejection of the Government. In any event, if the Government did not do anything, the Committee of Experts would repeat its observations as long as there was no change in the situation. Moreover, if the Committee of Experts was to be considered as competent and impartial, the Government could seek out comparisons in other countries' approaches, like New Zealand, which had tried similar policies in the recent past but which was re-examining them now. It was important that the Government seek some contact or collaboration with the Office, preferably in Australia. The results of this sort of contact of cooperation could help all parties to analyse the situation in a dispassionate way. This was the appeal of the Worker members, and they sincerely hoped that the Government would show at least some goodwill in accepting this modest and careful proposal. The Employer members noted that this case had been discussed in the Committee in 1998 but that the discussions would be different this year since there were quite a few differences with regard to the information available. Referring to the comments made by the Committee of Experts this year, they noted that different aspects were raised. Firstly, the question was raised with respect to the exclusions or the protection against dismissal based on trade union membership and activities. They noted the explanations given by the Government to the effect that there were two different types of provisions relating to trade union membership and activities. They further noted that the Committee of Experts considered that the scope of the two anti-discrimination provisions was sufficiently different, in particular since a protection provision applied to a wider range of trade union activities, and that the exclusions from the protection under that section remained problematical. The Employer members noted that this comment was not very clear. They noted that the Committee of Experts normally was very specific in naming violations of the Convention; perhaps it was exercising caution in this instance.
the integrity of the Committee of Experts and did not understand the supervisory processes. He cautioned that the Government's response would need to be taken into account in drawing up the conclusions of the Committee.

The Worker member noted that, in ratifying Convention No. 98 and in undertaking to follow the principles set forth in the 1998 Declaration, which include the principles of the right to organize and to collectively bargain, the Australian Government undertook to ensure that the principle of harmony and balance between the interests of employers and workers that was traditionally relied on collective negotiation. According to the Declaration, the Australian legislation did not comply with the essential requirements of the Convention for a number of reasons. First, employers alone were able to determine the level at which collective bargaining could be undertaken. Infringement of industrial action was only allowed in support of collective bargaining and not as a response to situations across multiple workplaces. Any action on the part of workers to defend their rights across multiple workplaces was unlawful. Moreover, individual agreements were given priority over collective agreements, which had been established terms and conditions of employment that did not serve the interests of either employers or workers. The provisions of the legislation should therefore be amended as required by the Convention.

The speaker expressed his concern at the gap in understanding of the supervisory processes between the Committee of Experts and the Conference Committee. An ongoing dialogue should take place to develop a common understanding. He agreed with the Employer members' suggestion that, to further a spirit of dialogue and cooperation and to provide an opportunity for increased understanding between the Committee and the Government, serious comments given to the Employment Contracts Act, 1996. Noting that the Government had already provided detailed explanations on this point, he hoped that the Committee of Experts would take these clarifications into account. He also concurred with the Government's statements on the situation in Australia relative to collective bargaining and urged the Committee of Experts to take those statements into consideration. The Australian labour relations system had traditionally relied on collective negotiation.

The Employer member of Australia expressed his support of the statements made by the Employer members and the Government representative. He agreed with the Government representative that the Committee of Experts was mistaken in its understanding of some provisions under the Workplace Relations Act, 1996. Noting that the Government had already provided detailed explanations on this point, he hoped that the Committee of Experts would take those clarifications into account. He also concurred with the Government's statements on the situation in Australia relative to collective bargaining and urged the Committee of Experts to take those statements into consideration. The Australian labour relations system had traditionally relied on collective negotiation.
more than one job had increased by 25 per cent since the law was enacted in 1991. Noting that the undermining of bargaining agreements had created great unfairness in the labour market, she stated that the amendments taken by the Government to deregulate collective bargaining, Convention No. 98 provided that voluntary collective bargaining between employers' and workers' organizations should be promoted and encouraged. This was not the case in Australia. By failing to give trade union representatives adequate protection, the Government was in breach of its duties under Conventions Nos. 98 and 135. Moreover, the fact that employers were free to choose before recruiting a single employee which organization they wished to bargain with, threatened the workers' representation in the organization. This was for the social partners alone to choose which level to bargain at (local, national or by sector), and the Government had no business favouring one or the other. By the same token, the Government should not interfere with, and much less prohibit agreements on strike pay that employers and workers might reach.

The speaker pointed out that in the State of Queensland progress had been made in line with comments by the Committee of Experts, and that too showed those comments were well founded. By ratifying Convention No. 98, the Australian Government had the responsibility of ensuring the effective implementation of each of the Convention's provisions. By narrowing the scope and modalities of collective bargaining, the Government had failed to live up to its commitments. Collective bargaining was a fundamental principle of the Organization and had been enshrined in the 1998 Declaration. An ILO mission to Australia could shed light on the matter and help ensure that worker representatives were better protected and collective bargaining effectively promoted.

The Government representative agreed with the Worker member that the Convention did not meet all requirements, and that the word "promote" was in the Convention. However, he indicated that the word "promote" had to be considered in context, and that context was the condition that the current legislation was not adequate. Having regard to the totality of Article 4, he considered Australia was in compliance with that provision of the Convention.

The Government representative indicated his Government's wish to continue the dialogue on the points raised. However, he considered that voluntary collective bargaining between employers' and workers' organizations should be promoted and encouraged. The Government representative agreed with the Worker member that the Convention did not meet all requirements, and that the word "promote" was in the Convention. However, he indicated that the word "promote" had to be considered in context, and that context was the condition that the current legislation was not adequate. Having regard to the totality of Article 4, he considered Australia was in compliance with that provision of the Convention.

The Worker members requested that the Committee's conclusions recommend that the development of law and practice in Australia be monitored. Responding to the Employer members' statement that there were grey areas in the Committee of Experts' comments, the Worker members stated that the Committee of Experts' comments were unambiguous and on three out of five points stated that the Government must amend its legislation. With regard to the Committee of Experts' references to the United Kingdom and New Zealand made by other speakers, the Worker members reiterated that there were no cases yet before the courts interpreting the applicability of these provisions, but stressed that it was clear that the Government must amend its legislation.

The Worker members interpreted the clause "where necessary" in Article 4 to mean that promotional activities might not be necessary, it should not be obligated to promote collective bargaining on a particular level of collective bargaining would not be a violation of the Convention. The Committee of Experts' comments clearly stated that the level of collective bargaining should be determined by the bargaining parties, and that it was the Government's responsibility to provide, as requested by the Committee of Experts, further information, in particular on the effect of the legislation in question. They further noted that the legislation in question had only been adopted two years ago, and that it would therefore take some time for the new legislation to take effect and for its impact to be clear. Consequently, concrete results were not yet available.

Turning to the question of whether or not Article 4 of Convention No. 98 contained flexibility clauses, the Employer members stated that this was a theoretical issue which they did not wish to discuss in this context. However, if Article 4 provided for "measures to be taken appropriate to national conditions", this would indicate that the Article left a margin of manoeuvre to governments with respect to legislation.

With reference to statements made by the Worker members, they recalled that the positions of the Committee on Freedom of Association were taken unanimously. Nevertheless, the CFA did not have the mandate to provide interpretations of Conventions. Furthermore, the Employers' position concerning the right to strike had remained the same for the past 18 years. They agreed that the dialogue commenced with the Government should be continued. For that purpose, the Government should provide, as requested by the Committee of Experts, further information, in particular on the effect of the legislation in question in practice.

The Worker members requested the Government to react to their proposal regarding cooperation between the Office and the Government. The Committee noted the statement by the Government representative, as well as the discussion which took place in the Committee. The Committee recalled that according to the Committee of Experts' comments on the 1989 Constitution of the World Employment Council, the Constitution of the World Employment Council referred to the application of Articles 1 and 4 of the Convention by excluding certain categories of workers from the scope of the legislation and limiting the scope of trade union activi-
ties covered by the provisions concerning anti-union discrimination, as well as giving primacy to individual contracts over collective relations through the Australian Workplace Agreements procedure. The Employers expressed the firm hope that the Government would supply a detailed report to the Committee of Experts on the application in law and practice of the Convention and on any measures taken. The Committee recalled to the Government that the procedure of conciliation, as contemplated in the Committee of Experts' Statement of 12 August 1995, which had been considered by the Committee of Experts as being too long for a conciliation procedure and likely to hinder the application of Article 4 of the Convention. The Employers members pointed out in this connection that the Convention did not contain any provision specifying time periods and that in many countries conciliation procedures were longer than 35 working days.

The interesting part of the case concerned the second issue on which the Committee of Experts had commented. In this respect, they endorsed the observation of the Committee of Experts, which had referred to the possibility of a dialogue arising from the provision of Article No. 931 of the Committee on Freedom of Association regarding the need to amend some of the provisions of the Labour Code which were contrary to the right to organize and bargain collectively. The provisions which had been criticized permitted the imposition of arbitration at the request of the Government, which was contrary to the right to organize and bargain collectively. The provisions which had been criticized were the sections which restricted the composition of the representatives of the parties to the collective bargaining process; the section which provided for disproportionate penalties in the event of the withdrawal of one of the parties from the conciliation procedure; and the section providing for disproportionate penalties in the case of failure to reply to a statement of claims. The Employers members agreed with the Committee of Experts that these provisions of the Labour Code needed to be amended.

The Employers members indicated that the case was particular in another respect. The conclusions reached on the issue by the Committee on Freedom of Association contained a point concerning the issue of strike pay which had not been taken up in the comments of the Committee of Experts, even though the latter had referred to the conclusions of the Committee on Freedom of Association in that respect. Considering the reason for such an omission, the Employers members believed that it might have been due to a more formal reason, the view that, under the Labour Code, the right to strike had always been examined under Convention No. 87, which was not, however, the Convention under examination last year. Nevertheless, the same issue, namely the question of strike pay being a matter of negotiation and not of legislation, had been raised during the meeting of the Committee of Experts concerned with the conclusions reached on the issue by the Committee on Freedom of Association in their totality. The Employer members believed that it might have been because of this that the Committee of Experts wished to refer to the conclusions of the Committee on Freedom of Association in their entirety, they could not omit part of such conclusions without indicating the reason for doing so. It was not admissible to raise this issue only in certain cases.

Turning to the statement by the Government representative to the effect that amendments to the legislation under examination were not possible until the expiry of the transitional period established by the convention committee for that purpose, the Employer members recalled that it was the constitutional obligation of the Government to ensure the application of the provisions of ratified Conventions. The absence of consensus in a tripartite committee could not serve as an excuse in this respect. In conclusion, the Employer members expressed the view that, although short, the case contained many interesting aspects.

The Employer members recalled that the observation by the Committee of Experts concerned two specific points. First, they had referred to government interference in the resolution of collective disputes in export processing zones. A Decree of 1997 on dispute resolution in export processing zones provided for the setting up of a tripartite consultative commission and had set out a procedure for labour disputes. This Decree permitted the dismissal of workers who engaged in a strike without following the required procedures. This procedure imposed a 35-day waiting period before workers were entitled to strike. This conciliation procedure could in practice make it impossible to strike. Finally, the Employers members expressed the view that the Government should amend the Decree in order to reduce the time laid down for conciliation, with a view to bringing it into conformity with the provisions of the Convention.

The Employer members also referred to the other point raised by the Committee of Experts concerning two specific points. First, they had referred to government interference in the resolution of collective disputes in export processing zones. A Decree of 1997 on dispute resolution in export processing zones provided for the setting up of a tripartite consultative commission and had set out a procedure for labour disputes. This Decree permitted the dismissal of workers who engaged in a strike without following the required procedures. This procedure imposed a 35-day waiting period before workers were entitled to strike. This conciliation procedure could in practice make it impossible to strike. Finally, the Employers members expressed the view that the Government should amend the Decree in order to reduce the time laid down for conciliation, with a view to bringing it into conformity with the provisions of the Convention.
only with workers' organizations, but also with employers' organizations in the process of amending this legislation.

The Worker member of Panama noted that the Labour Code in his country established a time limit of 15 days for conciliation during a dispute. He insisted that this period should be extended by the Government to 35 working days in export processing zones. It was important to emphasize that the same Decree prohibited the right to strike and provided that negotiation was not compulsory for employers and workers in export processing zones. The Worker member also referred to the fact that an amendment to the Labour Code came into force in 1997, which promoted voluntary collective bargaining within the framework of tripartite dialogue with the full participation of the social partners. The Worker member noted that the Labour Code was important to emphasize that the same Decree prohibited the active involvement of confederations in coordinating bargaining activities at the national level with a view to setting broad-based standards as guidelines for their affiliates' bargaining activities. The proposed amendments also introduced definitions and legal clarity with regard to “group (multi-employer) collective agreements”, which in practice frequently involved agreements between employers and employers' organizations.

Reference to the comments made by the Employer member, who had noted a possible contradiction in the report of the Committee of Experts, the Worker members considered it appropriate to request further explanations on this point. The Employer member referred to the Government representative and the discussion which took place thereafter. The Worker members noted that this discussion was important to emphasize that this Decree prohibited the right to strike and provided that negotiation was not compulsory for employers and workers in export processing zones. The Worker member also referred to the fact that an amendment to the Labour Code came into force in 1997, which promoted voluntary collective bargaining within the framework of tripartite dialogue with the full participation of the social partners. The Worker member noted that the Labour Code was important to emphasize that the same Decree prohibited the active involvement of confederations in coordinating bargaining activities at the national level with a view to setting broad-based standards as guidelines for their affiliates' bargaining activities. The proposed amendments also introduced definitions and legal clarity with regard to “group (multi-employer) collective agreements”, which in practice frequently involved agreements between employers and employers' organizations.

Turkey (ratification: 1952). A Government representative noted that the observations of the Committee of Experts with respect to protection against anti-union discrimination, limitations on collective bargaining, the right to organize for public servants, and collective bargaining rights of workers in export processing zones (EPZs), with regard to anti-union discrimination, had been addressed in detail in the report of the Government. He emphasized that the Government had submitted its latest report the copies of several judicial decisions which were included in the Committee of Experts. For example, in order to give legal status to the already existing collective bargaining rights of workers in export processing zones (EPZs), the Government had submitted with its latest report the copies of several judicial decisions which were included in the Committee of Experts. In this respect, he informed the Committee that the proposed amendment to the Labour Code would provide for workers' and employers' organizations to be represented by organizations of workers which, in practice, were free to pursue free collective bargaining. In this respect, he informed the Committee that the preparation of two draft bills amending several Acts, including the Trade Unions Act (No. 2821) and the Collective Agreement, Strike and Lockout Act (No. 2822), which took into account the Committee of Experts' comments in order to promote freedom of association and collective bargaining in Turkey. These two bills had been submitted to the joint parliamentary committees for their views and a meeting had been held on 30 May. Consultation with the social partners would continue in the coming weeks. These draft bills provided for the improvement of collective bargaining rights and against acts of anti-union discrimination. For example, in order to give legal status to the already existing collective bargaining rights of workers in export processing zones (EPZs), the Government had submitted with its latest report the copies of several judicial decisions which were included in the Committee of Experts. The proposed amendments also introduced definitions and legal clarity with regard to “group (multi-employer) collective agreements”, which in practice frequently involved agreements between employers and employers' organizations.

With regard to the issue of dual criteria for determining the representative status of trade unions for collective bargaining purposes, he pointed out that the Government had proposed to the social partners a bill on the protection of the right to strike and employed 10 per cent membership of the union in the relevant branches of industry. If this provision was accepted by the social partners, a trade union that had the majority of the workers at the workplace would represent the workers for the purposes of collective bargaining, and the representative of the proposed legislation would depend on the response of the social partners and the parliamentary process.

On the issue of the right to organize for public servants, he indicated that the draft bill on public servants' unions had not been enacted due to the request of coalition parties for its revision and the holding of general elections in Turkey. A new draft bill was now on the agenda of the Parliament and was currently being debated at the Parliamentary Committee on Planning and Budget. He drew the attention of the Committee to the fact that the draft bill submitted by the Government had already been amended by the Parliamentary Committee on Health and Social Affairs and that it might be further amended before its enactment.
With regard to the question of EPZs, he informed the Committee that an amendment had been proposed to repeal the provisional article 1 of Act No. 3218 of 1985 on export processing zones. With the abandonment of the controversial arbitration procedures imposed for a ten-year period, there would be no restriction on the collective bargaining rights of workers employed in EPZs.

He emphasized that Turkey attached great importance to the involvement of workers' and employers' organizations in formulating and amending legislation in this field. A bill which had been prepared through consultations with the social partners and was currently on the agenda of the Council of Ministers, would give a legal status and strengthen and institutionalize the social dialogue system at the highest level, a practice which had already been in effect since 1995 under several government circulars.

In conclusion, the Committee and the Turkish representatives continued to raise this issue at the Committee. They noted that the Government had explained in its report that the adoption of the Agreement for Collective Bargaining on a Voluntary Basis had required a pause. They therefore urged it to resume the progress of bringing its laws into compliance with its practice in the case of legal requirements.

Turning to the contents of the case, they took note of the number of judicial decisions made in relation to Articles 1 and 3 of the Convention which showed that compensation in cases of various acts of anti-union discrimination was granted and that the indemnity provided in such cases was not less than the total amount of the worker's annual salary, an amount which the Employer members considered as quite high. In this regard, the Committee's conclusions should reflect that the Committee of Experts had not critiqued this figure and had only requested the Government to continue to provide information on this matter.

As concerns the issue of the prohibition of collective bargaining for confederations, the Government had explained in its report that the hesitant nature of confederations and their poor involvement in the bargaining process was a significant concern which showed that compensation in cases of various acts of anti-union discrimination was granted. With regard to the ceilings imposed on indemnities through law, which appeared to be ignored in practice, leaving workers' organizations to face collective bargaining remained which had been in place for many years and conflicted with Article 4 of the Convention, despite indications from the Government that they would be lifted. These restrictions included the prohibition of collective bargaining for confederations, the constitutional restriction of only one collective agreement per enterprise and the dual criteria for determining the representative status of trade unions. The current legislation gave the Ministry of Labour the power to certify the competency of trade unions before it could even begin negotiations. These powers were often used in an arbitrary manner and resulted in inappropriate delays in the bargaining process.

The Employer members reminded the Government that it should be for the parties themselves to determine the level of bargaining and that the law should promote bargaining, rather than merely envisioning or tolerating it. They added that the dual criteria for the representativeness of trade unions resulted in practice in the workers in many sectors not being covered by collective agreements as a result of disputes concerning the representativeness of the trade unions.

Turning to the question of EPZs, the Committee of Experts had requested the Government to report on the adoption of the new legislation promised in its previous report. Unfortunately, the Government representatives had indicated that the new legislation was still pending before Parliament. The Worker members noted that, according to the Committee of Experts, a number of legislative restrictions on collective bargaining remained which had been in place for many years and conflicted with Article 4 of the Convention, despite indications from the Government that they would be lifted. These restrictions included the prohibition of collective bargaining for confederations, the constitutional restriction of only one collective agreement per enterprise and the dual criteria for determining the representative status of trade unions. The current legislation gave the Ministry of Labour the power to certify the competency of trade unions before it could even begin negotiations. These powers were often used in an arbitrary manner and resulted in inappropriate delays in the bargaining process.

They also expressed frustration at the lack of progress in the adoption of the Bill on public servants' rights to organize and bargain collectively, which had been passed by the National Assembly and was now being debated in Parliament. They recalled that it had been stalled for many years and the credibility of the Government was beginning to be called into question.

The Employer members welcomed the establishment of a tripartite committee with a mandate to examine labour legislation and to propose amendments where necessary. In conclusion, the Employer members stated that the Committee of Experts had requested them to continue to provide information, in particular on measures taken to remove any discrepancies which might exist between existing legislation and the requirements of the Convention.

The Worker members thanked the Government representative for the information and hoped that the Committee would see this case in an open and frank manner. They hoped that this positive attitude would translate into real progress over the next year. This case, which had been discussed on many occasions in the past, offered both gratifying and frustrating aspects, the drafting of the draft agreement being significant progress was made, such as the ratification of Convention No. 87 in 1993. However, it was also frustrating that anticipated progress failed to materialize. This tension had been reflected in the observations of the Government in its report on the adoption of the new legislation provided in its previous report. Unfortunately, the Government representative had indicated that the new legislation was still pending before Parliament. The Worker members noted that, according to the Committee of Experts, a number of legislative restrictions on collective bargaining remained which had been in place for many years and conflicted with Article 4 of the Convention, despite indications from the Government that they would be lifted. These restrictions included the prohibition of collective bargaining for confederations, the constitutional restriction of only one collective agreement per enterprise and the dual criteria for determining the representative status of trade unions. The current legislation gave the Ministry of Labour the power to certify the competency of trade unions before it could even begin negotiations. These powers were often used in an arbitrary manner and resulted in inappropriate delays in the bargaining process. The Worker members reminded the Government that it should be for the parties themselves to determine the level of bargaining and that the law should promote bargaining, rather than merely envisioning or tolerating it. They added that the dual criteria for the representativeness of trade unions resulted in practice in the workers in many sectors not being covered by collective agreements as a result of disputes concerning the representativeness of the trade unions.

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Convention in general. While welcoming the spirit of dialogue shown by the Government representative, they emphasized that it was necessary to establish a system of strikes and lockouts, with the exception of essential services. They also urged the Government to give serious consideration to accepting the ILO's offer of technical assistance to facilitate the elimination of the remaining obstacles to the application of the Convention.

The Worker member of Turkey also thanked the Government representative for the information provided, but recalled that the application of the Convention by Turkey had been examined by the Committee on 14 occasions since 1983. Although the power of the working people in his country was very effective in mass demonstrations, marches, rallies and industrial reaction, the problems relating to the legislation persisted because this power was not directly reflected in the political arena. He emphasized that the Trade Union Act, as Affecting Collective Negotiation, was introduced to counter this situation, since the only striking point rested with the victim. Moreover, the number of clandestine workers in Turkey was widely estimated at over 4.5 million, with another 750,000 illegally employed foreign workers, who were unable to go to the courts against employers in the event of their dismissal due to trade union activities. He added that, since Turkey had not brought its legislation into harmony with the Termination of Employment Convention, 1982 (No. 158), any attempt to exercise the right to organize met with the severest form of anti-union discrimination. He welcomed the fact that the Government recognized the discrepancy between national legislation and the Convention, and that the ILO had declared the Convention with regard to the prohibition of collective bargaining. The next step was to eliminate any exemptions in the Government's legislation, so that the right to collective labour agreement in a workplace or enterprise was not in violation of the Convention. Another provision which was not in breach of the Convention was section 3 of Act No. 2821, which established the requirement to negotiate on behalf of all the workers in the establishment. The intention of this provision was not limited to the imposition of a ceiling on indemnities. Article 5 of Act No. 2821 stated that provisions contrary to the ILO Conventions respecting collective bargaining in EPZs were due to be repealed. Despite the Government's claim that strike action was entirely open-ended, he said that there was another 60-day time limit on the exercise of the right to strike after the decision had been taken. Strike action was not initiated in that period. The right to strike was cancelled.

He reiterated that the whole of Turkish labour legislation had to be brought into harmony with ratified Conventions. While the Ministry of Labour preserved its power to issue certificates of competence to permit collective bargaining, while membership required the endorsement of the public notary and while only one collective labour agreement in a workplace or enterprise was in violation of the Convention. Furthermore, the restriction on the right to bargain collectively was not limited to the imposition of a ceiling on indemnities. Article 5 of Act No. 2821 stated that provisions contrary to the ILO Conventions respecting collective bargaining in EPZs were due to be repealed. Despite the Government's claim that strike action was entirely open-ended, he said that there was another 60-day time limit on the exercise of the right to strike after the decision had been taken. Strike action was not initiated in that period. The right to strike was cancelled.

Turning to the issue of compulsory arbitration, with special emphasis on the limited character of strikes and lockouts in the strict sense of the term. In this respect, he emphasized that the petroleum, banking, mining, transport, supply and distribution of foodstuffs had been excluded from the scope of the Convention, yet in some of these sectors strikes were prohibited and disputes referred to compulsory arbitration in his country. For many years, the Turkish Government had been maintaining that restrictions on the right to strike were in accordance with the ILO's case law concerning essential services. Yet, the excessively broad interpretation applied to this by the Government was illustrated by the recent strikes in the public sector. On the grounds that they were prejudicial to national defence. Moreover, compulsory arbitration was not limited to cases of the suspension of strikes. The wide range of restrictions and bans on the right to strike in his country led to compulsory arbitration in the case of interest disputes, as recalled by the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. In conclusion, he stated that the effective protection of public servants' rights was guaranteed in Turkey. He emphasized that the Government had promised during the course of negotiations to resolve these problems. It was to be hoped that these promises would be honored in the near future, that the necessary changes would be made in law and practice and that the case of Turkey would not have to be examined by the Committee in the years to come. He therefore urged the Government to take the necessary measures to eliminate the discrepancies between national law and practice and the Convention.

The Worker member of Sweden, speaking on behalf of the Nordic Worker members of the Committee, referred to the first place to the prohibition on collective bargaining by confederations in Turkey. The Government had explained that the heterogeneous structure of Turkish confederations made it difficult to harmonize the relevant provisions along vertical lines. However, she emphasized that the main issue was not the structures of the confederations or their possible effects on their suitability to carry out collective bargaining, but the fact that they had been deprived of their collective bargaining rights in the Convention. The TLO had rejected the proposal at the time and when and where collective bargaining should be carried out by confederations had to be left to the confederations themselves and their affiliates. They would be well able to determine how to distribute responsibility for collective bargaining amongst themselves, as was the practice in most other countries. She therefore welcomed the statement by the Government representative that the law would be changed on this issue. She also drew attention to the question of the right of public servants and teachers to strike and to organize. Turkey's relatively large size, and the way in which the public servants' strike was handled, was necessary for the promised changes to be finally put into practice. They also urged the Government to give serious consideration to accepting the ILO's offer of technical assistance to facilitate the elimination of the remaining obstacles to the application of the Convention.
were in practice referred quite commonly to the courts and gave rise to judicial awards. He added that the Constitution provided that no more than one agreement could be concluded for an establishment in a given year. This change was reinforced by the dual system of industry versus establishment-level bargaining which had existed before 1983 had led to various difficulties and abusive practices involving the conclusion of successive local agreements under the pretext of industry-wide authorization. He stated, as recalled by the Committee of Experts, that industry-wide bargaining could be increased by collective agreement, and in practice many agreements were addressed by the Committee of Experts had been referred to arbitration, but the workers concerned had appealed to a higher level court. He was pleased to be able to inform the Committee that the parties to the dispute had now reached agreement.

Turning to the issue of the right to organize of public servants, he referred to the draft legislation respecting public servants' trade unions and noted that many unions were active among public servants and engaged in collective bargaining in the municipalities. However, the relationship between the agreements and the terms of reference in view of their implications on the state budget. Agreements would be concluded with public servants, but questions still needed to be resolved concerning the financial aspects of such agreements. With reference to the work of the strike, he noted that the strike could be postponed for 60 days. The dispute could be referred to arbitration, but the workers concerned had appealed to a higher level court. He was pleased to be able to inform the Committee that the parties to the dispute had now reached agreement. In general terms, although the recognition of the right to organize of public servants was on his Government's agenda, delays had been experienced due to the lengthy process of adopting legislation, especially in cases where there were conflicts of interest. The process had been influenced by the Presidential Election, as well as by the fact that the Government had been engaged in a number of major reforms, including the long-awaited reform of the social security system and the introduction of an unemployment benefit system. He noted in this respect, how many changes to the labour legislation had been adopted since 1986, all of which had been a result of the comments and criticisms made by the ILO. He expressed gratitude for the important contribution that the development of the social system and legislation in his country and was sure that the trend would continue. He mentioned in this respect two pieces of draft legislation which would refer to the ILO once the response of the social partners had been received, and he was improving the text and when they were presented. He added that a draft agreement had been reached coming agreement between the ILO and his country which covered four strategic areas.

He recalled that his country had a fairly well-developed industrial relations system and hoped that, by improving the legislation respecting trade unions rights and collective bargaining, it would be possible to avoid his Government having to appear before the Committee once again. Finally, he informed the Committee that his country had recently ratified the Convention on Employment (Disabled Persons) Convention, 1983 (No. 159), and that the importance of ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), had been submitted to Parliament for ratification, which was a further 15 Conventions were being considered for ratification, most of which concerned maritime issues.

The Employer members observed that although certain legal restrictions remained which were not in accordance with the Convention, most of these were not actually implemented and people generally acted as freely as they wished in such areas as collective bargaining. The Employer members believed that, in practice, this situation was to be preferred to cases in which all the legislation was in conformity with the Convention, but was not applied. They observed that over the years a number of small steps had been taken to bring the situation into greater conformity with the Convention and they expressed the belief that the Government would continue in this direction as they also considered that the Convention which the Committee had treated this case, which it had examined on 18 occasions over the past 20 years, had contributed to the progress which had been made. On the question of essential services, they recalled that this matter was not covered by Convention No. 98, although the Committee of Experts had developed an interpretation respecting such matters in the context of Convention No. 87 regarding possible restrictions on the right to strike. In conclusion, they reaffirmed that the dual system of industry versus establishment-level bargaining which had existed before 1983 had led to various difficulties and abusive practices involving the conclusion of successive local agreements under the pretext of industry-wide authorization. He stated, as recalled by the Committee of Experts, that industry-wide bargaining could be increased by collective agreement, and in practice many agreements were addressed by the Committee of Experts had been referred to arbitration, but the workers concerned had appealed to a higher level court. He was pleased to be able to inform the Committee that the parties to the dispute had now reached agreement.

The Committee took note of the statement made by the Government representative, as well as the discussion which took place thereafter. The Committee recalled that this case had been discussed by the Committee of Experts on a number of occasions and pointed out once again that the Committee of Experts had been insisting for several years now on the need to eliminate restrictions on collective bargaining resulting from the double criteria for representatives trade union and employer representatives, adding that the importance of granting workers in the public sector the right to bargain collectively and the need to lift the imposition of compulsory arbitration for the settlement of collective labour disputes in all export processing zones. The Committee noted that legislation was being drafted to promote free collective bargaining between civil servants' associations and state employers, the Committee expressed the firm hope that such legislation would be adopted in the near future so as to ensure that Article 4 of the Convention also applied to this category of workers, with the sole possible exception of public servants engaged in the administration of the State. The Committee urged the Government to take the necessary measures to eliminate the discrepancies in the legislation so as to achieve the Convention's objectives. The Government agreed to supply a detailed report to the Committee of Experts on the concrete measures taken in this regard. It noted that draft bills amending the legislation in force were being discussed with the employers' and workers' organizations or submitted to Parliament. The Committee took note of the draft agreement for cooperation between Turkey and the ILO.

**Convention No. 105: Abolition of Forced Labour, 1957**

**Pakistan (ratification: 1960)**

A Government representative of Pakistan indicated that the country had had the opportunity to engage in constructive dialogue with the Committee on the implementation of ILO Convention No. 105 in Pakistan. He reiterated his Government's commitment to international labour standards and its appreciation of the valuable guidance and advice provided by the Committee on matters related to the implementation of ratified Conventions. He addressed the observations made by the Committee of Experts and described the implementation of the Convention point by point.

With respect to the observations on the Pakistani Essential Services (Maintenance) Act, 1952, the Government representative noted that it applied to those employers or categories of employment which were essential for the security or the defence or the security of the country. The agreement with the social partners, a further 15 Conventions were being considered for ratification, most of which concerned maritime issues.

The Employer members observed that although certain legal restrictions remained which were not in accordance with the Convention, most of these were not actually implemented and people generally acted as freely as they wished in such areas as collective bargaining. The Employer members believed that, in practice, this situation was to be preferred to cases in which all the legislation was in conformity with the Convention, but was not applied. They observed that over the years a number of small steps had been taken to bring the situation into greater conformity with the Convention and they expressed the belief that the Government would continue in this direction as they also considered that the Convention which the Committee had treated this case, which it had examined on 18 occasions over the past 20 years, had contributed to the progress which had been made. On the question of essential services, they recalled that this matter was not covered by Convention
dusty which could endanger the life and welfare of the country. In normal circumstances, the provisions of the law were rarely enforced. Moreover, workers had resigned from and transferred out of jobs in all categories of establishments covered under the Act. Lastly, the period of trade union activities or the certifi-
cation of collective bargaining agents.

Turning to comments made regarding the Ghazi Barotha Hydro Power project which had been placed under the Act, the speaker noted that it was a 1,450 megawatt project in an advanced stage of construction which had started in the year 1972. It was initially contracted out in joint venture projects, with the Pakistan Water and Power Development Authority (WAPDA), one headed by an Italian contractor and another by a Chinese con-
tractor. The debate in writing representation stated that the foreign contractors had been facing difficulties in meeting their obligations to the Government because of disturbances which had included work stoppages and vandalism to project equipment. He pointed out that the current delay costed that the total contractors 50 million rupees per day and that a one-day delay would cost Pakistan 1 million dollars in losses. In order to continue the construction and avoid these unethical practices, the Government reluctantly decided to apply the Act to the project. He stressed that workers were not barred from lawful activities under the Industrial Relations Or-
dinance, 1996, to which the Committee of Experts had referred had been modified every 120 days as required under the law. However, it was not barred from lawful activities under the Industrial Relations Or-
dinance (No. XXIII of 1969) during the application of the Act, but the Government representative stated that the Essential problem was that employees of federal and provincial government were still subject to sentence provisions of the law were rarely enforced. In conclusion, remarkable progress had been made by the Government to act with all speed and urgency.

The second issue involved the Merchant Shipping Act which, according to the Government representative, was in the process of being amended. Noting that the legislative process in all countries took time and that, until new law was adopted, the problems remained, the Employer members asked the Government representative to indicate when the new law was expected to be adopted. They also suggested that the draft law be submitted to the Com-
mitee of Experts for comments. In respect of the repeal of the West Pakistan Press and Publications Ordinance, 1963, he stated that this Ordinance was re-
pelled in 1968. The Government had initiated a dialogue with the Committee of Experts’ comments. The Ordinance was being drafted with the aim of fulfilling the requirements of the Convention and complying with the comments of this Committee and would be pro-
vided to the Government at the time when finalized. He noted that the pro-
visions of the legislation in question would automatically lapse and that this would end the comments on this point.

Turning to the issue of the repeal of the West Pakistan Press and Publications Ordinance, 1963, he stated that this Ordinance was repealed in 1968. The Government had initiated a dialogue with the Committee of Experts’ comments. The Ordinance was being drafted with the aim of fulfilling the requirements of the Convention and complying with the comments of this Committee and would be provided to the Government at the time when finalized. He noted that the provisions of the legislation in question would automatically lapse and that this would end the comments on this point.

Turning to the repeal of sections 101-103 of the Merchant Shipping Act, the Government representative noted that a new Ordinance was in the process of being prepared on the basis of the Committee of Experts’ comments. The Ordinance would be published in the Gazette every 120 days as required under the law. However, it was noted that the Ordinance was allowed to lapse in July 1997, in accordance with an agreement between the Government, the All Pakistan Newspaper Society (APNS) and the Committee of Experts (CPNE). The Registration of Printing Press and Publications Ordinance, 1996, to which the Committee of Experts had referred had also been allowed to lapse and at present there was no such law in force. It was the endeavour of the present Government to enact a new press law after a consensus had been reached on the matter within the newspaper industry through a process of social dialogue. The comments of the Government on the Constitution of the Pakistan Navy were welcomed.

The Employer members also noted the continual problem of construction and especially in the context of Convention No. 105 by the Government of Pakistan. In its latest report, it asked the Government, in a footnote, to provide detailed information to the Conference this year.

With regard to the Pakistan Essential Services (Maintenance) Act, 1952, the Employer members noted the restrictions preventing workers from leaving their employment as well as from striking. In light of the statements that the Act was rarely in-
voked, the Employer members considered that it should be no problem for Pakistan to let the Act lapse. The Employer members recalled that the essential problem was that employees of federal and provincial government were still subject to sentence provisions of the law.

Turning to the Security of Pakistan Act, 1952, and the Political Parties Act, 1962, the Employer members noted that the Government apparently had wide discre-
sionary authority to decide to prohibit the publication of views and there were no such laws in Pakistan which could endanger the life and welfare of the country. In light of the recent discussion on the repeal of the Merchant Shipping Act, the Employer members noted that the Act had been included in its report and asked the Government to put this inform-
ation before the Committee of Experts. The Employer members noted that this was an old case, but that the issues before the Committee today were the same as those before it in the mid-
1980s. While there had been a narrowing of the issues, the basic characteristics that applied in the context of earlier cases remained.

The Employer members expressed surprise at receiving new information from the Government representative that had not been included in its report and asked the Government to put this infor-
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1980s. While there had been a narrowing of the issues, the basic characteristics that applied in the context of earlier cases remained.

The Government representative indicated that all observations of the Committee of Experts concerning the Act had been placed before the Tripartite Commission on Consolidation, Simplification and Ratification of Labour Laws. While the ILO and the Committee of Experts had commented on these issues for approximately 40 years. There were some positive indications, but the Employer members were not convinced that progress had actually been made.

Turning to comments made regarding the Ghazi Barotha Hydro Power project which had been placed under the Act, the speaker noted that it was a 1,450 megawatt project in an advanced stage of construction which had started in the year 1972. It was initially contracted out in joint venture projects, with the Pakistan Water and Power Development Authority (WAPDA), one headed by an Italian contractor and another by a Chinese con-
tractor. The debate in writing representation stated that the foreign contractors had been facing difficulties in meeting their obligations to the Government because of disturbances which had included work stoppages and vandalism to project equipment. He pointed out that the current delay costed that the total contractors 50 million rupees per day and that a one-day delay would cost Pakistan 1 million dollars in losses. In order to continue the construction and avoid these unethical practices, the Government reluctantly decided to apply the Act to the project. He stressed that workers were not barred from lawful activities under the Industrial Relations Or-
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The Employer members also noted the continual problem of sections 298B(1) and (2) and 298C of the Penal Code, under which members of certain religious groups using Islamic epithets, nomen-
clature and titles could be punished with imprisonment. In conclu-
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provisions of the Pakistan Essential Services (Maintenance) Act, 1952, prohibited employees, in several sectors of the public services, from leaving their employment, even by giving notice, without the consent of the employer, subject to penalties of imprisonment that might involve compulsory labour. The Government had affirmed for several years in the past that Pakistan was not a country in which such sanctions were essential to the life of the community. In practice, however, this law was applied permanently and in situations in which no case could be considered as exceptional. The Committee of Experts had also recognized that, in order to enforce the application of the law, there really had to be a danger for the community and not only a disturbance. The current practice in Pakistan which deprived a great number of its workers from the freedom to terminate their unlimited contracts with a reasonable notice period, was a violation of one of the fundamental labour rights. This was clearly a case of unacceptable forced or obligatory labour. The Worker members had asked that an end be put thereto not only in law but also in practice.

The Merchant Shipping Act was also contrary to Article 1(c) and (d) of Convention No. 105. According to this Act, penalties involving compulsory labour might be imposed on seafarers in relation to various breaches of labour discipline. The 1996 Merchant Shipping Act provided provisions of things similar to the Convention. While it was possible, in exceptional situations, to provide that workers could be required to work for a limited period of time and only in situations of danger for the population, the law applicable to seafarers went much further and created unacceptable situations in which seafarers could be returned on board ship by force to perform their duties.

The second question concerned the application of Article 1(a) and (c) of Convention No. 105. The Security of Pakistan Act, 1952, the West Pakistan Press and Publication Ordinance, 1963, and the Political Parties Act, 1962, gave the authorities the power to order the dissolution of associations and to prohibit the publication of views, subject to penalties of imprisonment which might involve compulsory labour. More than ten years ago, the Government should, without further delay, put an end to existing anti-union initiatives taken on the company's behalf, which in part resulted in the dissolution of the project. The Worker members had noted the oral information provided by the Government representative. They requested that this information be transmitted to the Committee of Experts to enable it to arrive at the present situation concerning Convention No. 105. The Worker members had asserted that religious discrimination which was prohibited by law and that there was no such discrimination. In practice, however, there were several examples of serious violations of religious minorities' rights as well as of assassinations and forced labour imposed on certain persons due to their religious beliefs. The legal basis used to sentence persons to a punishment which could be imprisonment accompanied by compulsory labour were sections 298A and 298C of the Penal Code. According to available information, 30 Ahmadis were arrested and left in jail for over one month. The National Information Development Authority (WAPDA). These included delays in extending the contract training with the union representative of the project. The speaker hoped that the Government would share his belief that workers should not be deprived of their rights to collectively bargain and organize on the grounds that these rights interfered with the interests of multinational companies. The Government should reach an agreement with workers through social dialogue instead of imposing the restrictions cited in the Committee of Experts' comments. Noting that Pakistani workers shared the Government's goal of economic and social development, he expressed the hope that the Government and the social partners could establish and maintain a constructive social dialogue.

The Worker member of Italy, representing the Italian Confederation of Italian and Pakistani trade unions, an agreement was reached to reinstate the union as bargaining agent and to develop joint industrial relations training with the union representative of the project. Noting that a dialogue had been initiated to reach an agreement in this field and that the Italian and Pakistani unions welcomed this new contractor policy and considered that it would form the basis for sound industrial relations in the future.

The Merchant Shipping Act was also contrary to Article 1(c) of the Convention. The Merchant Shipping Act was one of the fundamental labour rights. This was clearly a case of unacceptable forced or obligatory labour. The Worker members had asked that an end be put thereto not only in law but also in practice.
she noted its application in state enterprises, including oil and gas production, electricity generation, airlines, ports and EPZs. She characterized the Act as an undemocratic law which violated fundamental trade union rights established by the ILO core Conventions and the UN Declaration of Human Rights. The Government had arbitrarily applied the Act to productive plants or building sites at the request of the employers. The Act had been applied and then reinstated repeatedly with regard to the Ghazi Barotha Hydro Power Project and its consequences. It was in fact essential that solutions to violations of the Convention, but a whole series of laws and texts in question within one month. Nevertheless, a new approach had been adopted which might hasten the process. The Committee had been unable to find that there was a case of the legislative requirement as to the definition of forced labour, which was where such cases were heard. In response to the statements made by the Employer members, the Government represented the protection of the workers and their rights as a means of labour discipline, the relevant provisions were sections 89(c) and 176(9) of the Penal Code. She stated that section 89(c) sought to punish those who refused to participate in such schemes, even if it had done, it would still have been in conformity with the Convention because in practice the self-help schemes fell under the exceptions to the definition of forced labour set out in Articles 2(3)(d) and 13(1) of Convention No. 29. Moreover, she apologized for the failure of her country to submit this information and other legislative texts to the Committee of Experts. This had been due to inadvertence and she undertook to provide the texts in question within one month. With regard to Article 16 of the Convention concerning forced labour for purposes of economic development, she noted that the provisions criticized by the Committee of Experts were sections 89(c) and 176(9) of the Penal Code. She stated that section 89(c) sought to punish those who refused to participate in such schemes. She emphasized that, although it did not punish persons who themselves refused to participate in such schemes, even if it had done, it would still have been in conformity with the Convention because in practice the self-help schemes fell under the exceptions to the definition of forced labour, which was where such cases were heard. With regard to Article 1(c) concerning the use of forced labour as a means of labour discipline, the relevant provisions were sections 176 and 284 of the Penal Code, as amended. The Merchant Shipping Act, 1967, as well as the Merchant Shipping Act, 1967, she explained that these texts had to be seen in the special circumstances of the country when they had been adopted. At that time, her country had had a socialist economy, in which the major commercial and business entities had been state-owned or run as parastatal organizations. Such enterprises had been managed and losses were sometimes incurred in circumstances which seemed to stem from deliberate acts of sabotage and plunder. The aspect of negligence that had been introduced was too difficult for the investigative machinery to prove that the acts had been willful. In the light of the current trend towards privatization and the State divesting itself from the operation and management of such enterprises, these provisions were rendered redundant. Nevertheless, they were among the texts which were due to be reformed. She added that the Merchant Shipping Act was a relic of the colonial past which only remained on the statute books due to the sling of the reform process. With regard to Article 1(c) concerning the use of forced labour as a punishment for having participated in strikes, she again apologized for the failure to provide the Committee of Experts with the Industrial Court Act, 1967, as amended. Under the Act, strikers were liable to a substantial fine and were entitled to compensation, which had to be followed before employees could call a strike or before employers could lock out their employees. In conclusion, with regard to Zanzibar, she allocated in previous reports, consultations were continuing with the Government of Zanzibar and the Committee of Experts would be informed as soon as results have been achieved.

United Republic of Tanzania (ratification: 1962). A Government representative reaffirmed her country's commitment to its obligations under the ILO Core Conventions and the ILO Conventions which it had ratified. However, she pointed out that the United Republic of Tanzania was a developing country which suffered from resource constraints, including a shortage of trained personnel, which made it difficult to fulfil its obligations promptly. With reference to Article 1(a) of the Convention, concerning punishment aimed at censoring political or ideological views opposed to the existing system, the Committee of Experts had commented on the Newspaper Act, 1976, the Societies Ordinance and the Local Government (Land) Act, 1975. She noted in this respect that, following the establishment of multipartyism, there had been a process of political liberalization in her country, with the result that contrary views were not generally censored in practice with criminal penalties, save for those for which there were accepted exceptions to the Convention. With regard to the question of why this legislation continued to exist, she reported that the legislation had long been identified as being among the 40 legislative texts which were unconstitutional on the grounds that they were contrary to the fundamental freedoms and freedoms of expression, assembly, association and movement. The Committee of Experts had condemned the practice with criminal penalties, save for those which fell under accepted exceptions to the Convention. Nevertheless, a new approach had been adopted which might hasten the process. The Committee had been unable to find that there was a case of the legislative requirement as to the definition of forced labour, which was where such cases were heard. In response to the statements made by the Employer members, the Government represented the protection of the workers and their rights as a means of labour discipline, the relevant provisions were sections 89(c) and 176(9) of the Penal Code. She stated that section 89(c) sought to punish those who refused to participate in such schemes, even if it had done, it would still have been in conformity with the Convention because in practice the self-help schemes fell under the exceptions to the definition of forced labour, which was where such cases were heard. With regard to Article 16 of the Convention concerning forced labour for purposes of economic development, she noted that the provisions criticized by the Committee of Experts were sections 89(c) and 176(9) of the Penal Code. She stated that section 89(c) sought to punish those who refused to participate in such schemes. She emphasized that, although it did not punish persons who themselves refused to participate in such schemes, even if it had done, it would still have been in conformity with the Convention because in practice the self-help schemes fell under the exceptions to the definition of forced labour, which was where such cases were heard. With regard to Article 1(c) concerning the use of forced labour as a means of labour discipline, the relevant provisions were sections 176 and 284 of the Penal Code, as amended. The Merchant Shipping Act, 1967, as well as the Merchant Shipping Act, 1967, she explained that these texts had to be seen in the special circumstances of the country when they had been adopted. At that time, her country had had a socialist economy, in which the major commercial and business entities had been state-owned or run as parastatal organizations. Such enterprises had been managed and losses were sometimes incurred in circumstances which seemed to stem from deliberate acts of sabotage and plunder. The aspect of negligence that had been introduced was too difficult for the investigative machinery to prove that the acts had been willful. In the light of the current trend towards privatization and the State divesting itself from the operation and management of such enterprises, these provisions were rendered redundant. Nevertheless, they were among the texts which were due to be reformed. She added that the Merchant Shipping Act was a relic of the colonial past which only remained on the statute books due to the slowness of the reform process. With regard to Article 1(c) concerning the use of forced labour as a punishment for having participated in strikes, she again apologized for the failure to provide the Committee of Experts with the Industrial Court Act, 1967, as amended. Under the Act, strikers were liable to a substantial fine and were entitled to compensation, which had to be followed before employees could call a strike or before employers could lock out their employees. In conclusion, with regard to Zanzibar, she allocated in previous reports, consultations were continuing with the Government of Zanzibar and the Committee of Experts would be informed as soon as results have been achieved.

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The Worker members thanked the Government representative for a detailed report which was very helpful in improving understanding of the situation with regard to the difficulties in the application of the Convention in the United Republic of Tanzania. However, they also expressed their agreement that the observation by the Committee of Experts was of a very general nature and would not help anyone who was not familiar with the case to understand the issues involved. They emphasized that, although the ILO supervisory system might have made very useful observations, it was not through the supervisory system of the United Nations system in the field of human rights instruments, as acknowledged by human rights specialists. The supervisory system enjoyed great legitimacy and had proven to be effective, based on dialogue and cooperation and moral sanctions. However, it was also a flexible and reliable system and it was, therefore, believed that it worked so well for 80 years. The system was dependent on so many aspects which, although enshrined in the Constitution, were of a voluntary nature. The Conference Committee had developed many devices to try to improve the Convention, including encouragement, criticism, technical assistance and direct contacts. Serious cases of non-compliance over a long period of time were placed in a special paragraph of the Committee's report to the Conference. Rather than a sanction, this was the most visible method available of communicating the special concerns of the Committee to the Conference. Such special paragraphs were often effective in achieving progress, since most governments did not appreciate being mentioned in this way. Nevertheless, if the same government concerned did not take any action, then the system did not work as it should. This was the case with regard to the application of the Convention in the United Republic of Tanzania. The Committee had been examining the case for decades and had not been included in a special paragraph. It was apparent that there was uncertainty of whether it was a general or a special kind, that is, out of a fear that the very frequency of such mentions might blunt the case. The Committee had not been included in a special paragraph for the past decade. The Worker members emphasized that this had not been due to any improvement in national law and practice.

The basic problem consisted of the fact that the legislation was of such a general nature that it gave wide discretionary powers to the authorities in mainland Tanzania and in Zanzibar. Some examples included the power of the Government to prohibit activities in the area of freedom of association and freedom of assembly when it considered such a prohibition to be in the public interest or in the interests of peace and order, or of public health. People engaged in such activities could be imprisoned and subjected to other penalties. Another example consisted of persons who were not performing their job properly, who could also be imprisoned and forced to perform labour. Workers who were employed by specified authorities and who caused financial loss or damage to their employer through negligence or misconduct could be subjected to similar sanctions.

Forced labour could also be imposed for breaches of discipline by seafarers. Compulsory arbitration could also be imposed in the event of labour disputes, making it possible to declare all strikes illegal and any striker to be imprisoned and subjected to other penalties. In this respect, as in previous years, the Government representative had endeavoured to explain that restrictions were not placed on political activities and that the provisions were only used to curb public unrest and disorder. The Government representative added, in conclusion, that the observation by the Committee of Experts, no information having been made available on the implementation of the law in practice.

The Worker members welcomed the appearance of goodwill demonstrated by the Government representative and the fact that no attempt had been made to disagree with the findings of the Committee of Experts. The Government representative regretted that he had been unable to present new information. It was noted that this had not been due to any improvement in national law and practice. Significant steps were taken, successfully, to involve employers' and workers' representatives in the process of reviewing the country's labour laws and the legal provisions which impinged upon the application of the Convention, and other laws which impinged upon labour issues. However, the Committee of Experts' observation referred to the various laws without explaining their content and did not indicate precisely the provisions which would be repealed by the new law. Nevertheless, if the Governments concerned did not react in any way, then the Committee of Experts could take appropriate measures to induce governments to improve their implementation of the Convention. Nevertheless, if the Governments concerned did not react in any way, then action would be taken to improve the Convention.

The Employer members appreciated the difficulties arising out of the country's low level of development and the need to coordinate the issues raised with other authorities, such as the Ministry of Justice and the Interior Ministry. Nevertheless, major questions remained. The good faith of the Government remained to be proven, the obstacles which had, and which continued to prevent the Government from reacting appropriately to the recommendations of the Committee of Experts and the Committee's report to the Conference, in that no new information had been made available on the implementation of the law in practice.

The Employer members thanked the Government representative for the opportunity to apprise it of the efforts the Government had made in the battle against all forms of discrimination. They also noted the existence of draft legislation on the various provisions of the Convention as well as ratification. However, the Committee of Experts' observation referred to the various laws without explaining their content and did not indicate precisely the provisions which would be repealed by the draft laws. The Employer members emphasized that, while the facts of the case had not been presented clearly by the Committee of Experts, it was clear that numerous laws needed to be reviewed and amended. Finally, they endorsed the suggestion by the Worker members that the Government representative should be invited to indicate precisely the concrete measures envisaged by the Government to meet the requirements of the Convention. They also expressed the view that the case should be reviewed by the Committee on a more regular basis.

In response, the Government representative emphasized that account needed to be taken of the great difference between the situation before 1990, when the country had had a socialist economy and a single-party system, and its development since 1990 to a multiparty State with a market economy. While the political will might not have existed before 1990 to remedy the problems with regard to the application of the Convention, the situation now was very different. Some 40 legislative texts had been identified as breaching human rights, including the rights set out in the Convention. The reform process had been extremely slow in any way. Nevertheless, if the Governments concerned did not react in any way, then the Committee of Experts could take appropriate measures to induce governments to improve their implementation of the Convention. The Employer members appreciated the difficulties arising out of the country's low level of development and the need to coordinate the issues raised with other authorities, such as the Ministry of Justice and the Interior Ministry. Nevertheless, major questions remained. The good faith of the Government remained to be proven, the obstacles which had, and which continued to prevent the Government from reacting appropriately to the recommendations of the Committee of Experts and the Committee's report to the Conference. In that case, no new information had been made available on the implementation of the law in practice.
workers' organizations in a study of the issues with remedial action in view. By way of follow-up in 1997 a national campaign entitled "Brazil: gender and race" was launched with ILO assistance. From the outset, the campaign gave widespread publicity with tripartite support to the principles embodied in the Convention. To show how widely information on the Convention had been disseminated the Government representative pointed out that at a recent mass demonstration by peasants under the banner "The land of Brazil cries out" one of the peasants' demands was the application of Convention No. 111. The Convention had been published and was already reaching rural areas. The Government representative acknowledged that there was still an untold number of problems associated with discrimination and that the problem, which was worsening due to the increase in the number of human rights organizations, would never be resolved. One problem was that many cases turned on individual allegations involving a single worker and employer, and these proved difficult to substantiate. The solution might lie in heightening awareness of the necessity to promote the Convention. This included the establishment since 1998 of specialized anti-discrimination centres in various state labour delegations, which represent the federal Ministry of Labour in each of the 27 States in the Federation. To date, such centres had been set up in 15 of the 27 state delegations, and each State was soon to have a centre of its own. Each of the centres was competent to receive complaints alleging discrimination on grounds of race, sex, physical preference or colour; the absence of any national policy on equal opportunity; and the fact that the employer was able to request applicants to obtain sterilization certificates. In 1995, there was a breakthrough in that the Government agreed to the establishment of a Technical Advisory Committee and enacted Act No. 9029 that prohibited employers from requiring a medical sterilization certificate from women. In 1996, the Government had declared the programme for human rights that broadly provided for equality for women, blacks, the disabled and indigenous people. In 1997, the Committee of Experts noted the progress being made in both law and practice.

The Committee noted that only 80 complaints had been filed within a three-month period, indicating that most of the complaints had not been resolved. In 2000 the centres received 80 complaints alleging discrimination, most of which ended in a settlement. The complaints concerned discrimination on grounds of gender (42 per cent), service-incurred injury or illness (29 per cent), health (12 per cent), age (5 per cent), disability (4 per cent), colour (1 per cent) and another unspecified reason (3 per cent). It was important to note that black women as a group were more exposed to discrimination than any other. There had been 522 complaints against discrimination in the workplace affecting 626 injured workers and AIDS victims, of which 513 had been resolved.

The Government representative also referred to the establishment of a database registering cases of discrimination and potential solutions. The database was established with the cooperation of the United Nations and the technical assistance provided by the Government was reliable and substantial. The Government was working on the issue of providing the database with additional information on the effectiveness and implementation of discriminatory practices. The database was being used to identify discriminatory practices and to develop strategies to eliminate them. The database would be used to disseminate information on the Convention and its implementation to the public and to policy-makers.

The Worker members stated that the problem of discrimination in Brazil had been the subject of discussion in this Committee in 1993, 1994 and 1995. Various points had been debated: discrimination in employment, wages and working conditions; the application of the Consolidated Labour Act to include prohibitions of discrimination on the basis of sex, age, colour and family status; and the absence of any national policy on equal opportunity; the position of women in the labour market; the position of black workers; and the position of women in the workplace. In its most recent observation, the Committee of Experts noted with interest the numerous initiatives taken by the Government including public awareness programmes. But on an overall basis, the Employer members were also surprised by the fact that only 80 complaints had been filed within a three-month period, alleging discriminatory practices. In light of the size of the labour force, the Employer members considered that this number of cases was extremely low. This obstacle to effective implementation was compounded by the fact that non-discriminatory practices were being taken hold. Hence the Government needed to provide promptly a report as requested by the Committee of Experts, assessing whether there had been concrete progress and the statistical data requested by the Committee of Experts under point 9 of its report.

The Worker member of Brazil indicated that the application of Convention No. 111 had been the subject of comments since 1991 by the Committee of Experts and was taken up by the Conference Committee in 1993, 1994 and 1995. The Committee had discussed the issue once again because of continuing breaches of the Convention. Discrimination in employment and occupation in Brazil left no room for doubt. In 1993 the Government representative himself acknowledged the existence of discriminatory practices and the resultant problem, which was the way back to the colonial period. Since then, a number of laws designed to combat discrimination had been enacted. Despite progress in legislation, however, discriminatory practices against women, blacks, Indians and sexual minorities had, sadly, remained commonplace. Women, for example, were still being asked to submit evidence of discrimination before recruitment and were even subject to medical examinations. Statistical data from official bodies were worth mentioning. In six of Brazil's richest metropolitan areas women's average earnings amounted to only 67 per cent of men's. The wages of blacks were 60 per cent of what non-black men and women received. Women were more exposed to social exclusion than men; 32.2 per cent of economically active women with no contract were in employment whereas the proportion of working men without contracts was 24.9 per cent. Similarly the unemployment rate in major urban centres was 8 per cent for women as opposed to 6.7 per cent for men. The black population was much harder hit by unemployment: although it represented 41.7 per cent of the economically active population according to one study carried out in five urban areas, 50 per cent of unemployed workers were black. This was indicative of a more severe and direct effect of unemployment, although it represented 41.7 per cent of the economically active population according to one study carried out in five urban areas, 50 per cent of unemployed workers were black. The perverse effect of discrimination was also evident in respect of unskilled employment: 10 per cent of working women (some 5 million women) laboured in domestic employment for a paltry wage. In domestic employment there was evidence of double discrimination; about 20 per cent of the women were single, 25 per cent were black and 30 per cent were black. They had scant education, one to three years' schooling, and their monthly pay came to a mere US$41. Blacks in the active population held positions requiring the lowest skills levels.
and seldom rose to management positions in either the private or public sectors.

The Committee of Experts regularly requested the Government to supply information on the practical effects of newly adopted legislation, under the obligation it had assumed in Article 11 of the Convention on the reporting of “results secured”. The reason why the results secured by official policies and legislative measures were so meagre was that despite the magnitude of the problem the Government measures were predominantly directed at the field of human rights. The convening of national seminars attended by 100 participants or the distribution of explanatory leaflets seemed desirous for a population of some 160 million. However necessary, such action could only be inadequate. The effective application of the Convention called for active participation in the integration of women, black workers and sexual minorities by such means, for example, as establishing quotas in the public service or subordinating public aid for private enterprises to compliance with anti-discrimination rules. Whereas state-owned enterprises and temples should be the first point of intervention, the case of discrimination on which the Supreme Labour Court had ruled concerned a publicly owned enterprise. Employers should also be encouraged by the Government to follow an active non-discrimination policy, notably through the system of vocational training which they ran. The system should finance vocational training designed to integrate those who had been excluded on grounds of race or sex.

The Committee of Experts concerned by the paucity of complaints alleging discrimination despite an impressive anti-discriminatory legislative arsenal, the Worker member pointed out that Brazil’s labour legislation was one of the most flexible in the world, and allowed employers to dismiss workers without giving any reasons. Dismissed workers were left to ask the courts for awards of moral and material damages, which proved difficult to substantiate.

In conclusion, Brazil, it was plain, had still failed to apply Convention No. 111 properly early Article 3(f). The Conference Committee should therefore request the Government to communicate detailed and specific information on the practical results of the action it had undertaken.

The Employers member of Brazil underlined the positive steps taken by the Government to ensure and promote the application of the principles embodied in the Convention. She said that the Government had done an excellent job of disseminating information and raising the public’s level of awareness with a view to eliminating discrimination. She dwelled on the Government’s achievements in terms of legislation enacted and the organization of various nationwide events. Her Confederação, she observed, had taken part in numerous events organized by the Government to promote and effectively apply the principles in the Convention.

The Worker member of the United States noted that Brazil and the United States were remarkably similar in that both nations were highly diverse and multicultural, both nations had emerged from systems of colonialism and slavery, and that both had been shaped by peoples of African, indigenous, Asian and European origins. Despite these similar origins, there were also significant differences. For example, the United States, in its post-slavery period, maintained a regime of state-sponsored and state-enforced segregation and discrimination which had existed in some parts of the United States. Nevertheless, he recalled that both the report of the Committee of Experts and the admission by the Brazilian President of the need to harmonize its legislation with the multilateral human rights programme had been established to promote equality.

In conclusion, she urged the Government to provide further information on the number of complaints regarding discrimination, that the statistics had measured had no practical effect, that the measures had actually undermined job stability for women who exercised their maternity leave rights, thus aggravating the disparate treatment between women and men in the labour market. Recalling Brazilian subterfuges which had been used to hide slavery from the English in the nineteenth century, he urged the Brazilian Government to root out discrimination, as opposed to merely covering and camouflaging it.

Another Employer member of Brazil spoke of various government-organized seminars, training and forums on the topic in which he had taken part. These events were characteristically tripartite and seldom gave rise to criticism. As to the system of ongoing training, which the employers managed, it was to be noted that workers’ representatives also sat on the governing bodies of the various training institutes.

Another Worker member of Brazil expressed her grave concern that discrimination continued rampant against women and certain races, colours and ethnic minority in Brazil. She noted that there appeared to be legislation prohibiting discrimination and that a human rights programme had been established to promote equality. She also noted the establishment of centres for the prevention of discrimination at the state level, which involved representatives of the Government, trade unions, and minority and women’s groups. However, she stated that there was insufficient information on these activities and the number of complaints and successful prosecutions that had been registered to know whether such legislation and programmes were effective. She further noted that the cause of discrimination against women and ethnic minorities was usually much deeper and embedded in the values and norms of a society.

The Worker member of Singapore expressed her grave concern that discrimination continued rampant against women and certain races, colours and ethnic minority in Brazil. She recalled that Convention No. 111 was one of the core Conventions and that its objective was to promote the international public general where women, without strong intervention from the governments, would seriously suffer from discrimination in employment and training.

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The Government representative underlined, in response to several comments from the Employers members, that it was difficult to assess the extent of complaints regarding discrimination, that the statistics she had referred to indicated that there were 160 million complaints presented to the 15 centres specialized in combating discrimination in the three-month period information showed that the Government had taken the Government seven years to introduce the measures discussed today, and that she hoped that it would not take another seven years to be informed of further progress.

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The Committee thanked the Government for the detailed oral information it provided, and noted with interest the discussion which followed. It recalled the serious violations of the Convention that had led to its referral by the Committee to this Committee, and the progress in tackling those problems, with the assistance of the Office, that had been noted by the Committee of Experts. It also noted with interest the numerous programmes and activities undertaken by the Government to promote human rights in the country, in particular equality on the grounds set out in the Convention, while noting that a number of problems still exist in practice. The Committee requested the Government to provide detailed information on the concrete and tangible results achieved through this action, including reports, studies and statistical data and other indicators, particularly with regard to any changes in the economic participation rates of women as well as different racial or ethnic minority groups and indigenous peoples. It encouraged the Government to assess the extent to which it was possible to provide detailed information in its next report to the Committee of Experts in this regard.

**Islamic Republic of Iran (ratification: 1964).** A Government representative reaffirmed the commitment of her Government to the application of the Convention, the provisions of which were in conformity with the principles and objectives of her Government. The Government recognized its obligation to promote and realize the principle of non-discrimination and had endeavoured to provide complete and substantive reports to the Committee of Experts, containing all the available information requested.

She recalled that last year during the Committee her Government had invited a mission from the ILO to come to the Islamic Republic of Iran to discuss with various parties any issue that it wished regarding the application of the Convention. Her Government had also responded positively to the views expressed by the Committee of Experts on the subject of the ILO mission's recommendations, and had agreed and accepted the terms of reference of the mission as indicated by the ILO in their entirety. The Government had cooperated fully and provided all the necessary assistance and facilities requested for the mission. In an extensive work programme, the mission had discussed various issues regarding the application of the Convention and matters raised in the supervisory bodies in their meetings with various government officials, the judiciary, several NGOs and minority groups. As a result of the knowledge and experience of the mission members, it had been possible to hold very useful in-depth dialogue on all the issues raised, as indicated in the report of the Committee of Experts. She added that a national tripartite seminar would be held in her country in the next few months with ILO cooperation on the further implementation of the ILO's fundamental standards.

With regard to the comments of the Committee of Experts, she noted the reference to the existing national dialogue in the Islamic Republic of Iran as a guarantee of the Government's commitment in the governmental structure towards removing all possible obstacles to the application of universally recognized human rights standards. It had also referred to the national institutions set up to examine and promote human rights. The Government emphasized in its response to the Committee of Experts that the principle of non-discrimination was of great importance. The existence of a lively civil society and a wide range of governmental and non-governmental institutions was significant in any comparison with other developing countries. The pertinent statistics and facts, which had also been reported by the ILO mission, were significant in any comparison with other developing countries. She added that the adoption of the present Five-Year Development Plan, which in particular incorporated a gender dimension with regard to employment, was a step towards addressing the issue of gender equality. She noted the reference to the existing national dialogue in the Islamic Republic of Iran on the issues covered by the Convention and the adoption of the present Five-Year Development Plan, which in particular incorporated a gender dimension with regard to employment. She stated that this reflected the Government's commitment to the principles and objectives of the Convention.

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With regard to the comments of the Committee of Experts, she noted the reference to the existing national dialogue in the Islamic Republic of Iran as a guarantee of the Government's commitment in the governmental structure towards removing all possible obstacles to the application of universally recognized human rights standards. It had also referred to the national institutions set up to examine and promote human rights. The Government emphasized in its response to the Committee of Experts that the principle of non-discrimination was of great importance. The existence of a lively civil society and a wide range of governmental and non-governmental institutions was significant in any comparison with other developing countries. The pertinent statistics and facts, which had also been reported by the ILO mission, were significant in any comparison with other developing countries. She added that the adoption of the present Five-Year Development Plan, which in particular incorporated a gender dimension with regard to employment, was a step towards addressing the issue of gender equality. She noted the reference to the existing national dialogue in the Islamic Republic of Iran on the issues covered by the Convention and the adoption of the present Five-Year Development Plan, which in particular incorporated a gender dimension with regard to employment. She stated that this reflected the Government's commitment to the principles and objectives of the Convention.
One such mechanism was the Board of... were independent of the... While the mission had been... the number of judicial decisions taken by women in... the only thing which counted was the result. The result they wished... would involve any discrimination on the basis of... The result they wished to see was that Iranian law be equal and practiced in cooperation with the ILO... She welcomed the government representative for the information provided and recalled that the application of the Convention raised very serious issues which had been examined by the Committee over a period of many years. At the Conference in 1999, the government representative had agreed to receive an ILO technical advisory mission, the functions of which had been set out in the Committee's conclusions. The Employer members believed that the statement by the government representative had demonstrated a certain superficial appeal, in that the right things had been said. However, they expressed concern about the government representative's affirmation that the Convention complied with the legislation and principles in the Islamic Republic of Iran. They pointed out that the process should be reversed, and it was this reverse order practical to talk about this convention with the Convention. The government representative had also expressed a commitment to the principles set out in the Convention. However, this differed from complying with its legal obligations. While the national policy objectives might be in the right direction, the necessary legal protection might still not exist. The Employer members expressed the belief that neither the report of the Committee of Experts nor the statement by the government representative contained precise information on the manner in which the fundamental principles referred to in the report of the mission were applied. The government representative had welcomed measures such as the tripartite seminar and grass-roots fundamental problems raised were being addressed. While they members expressed the belief that neither the report of the Com-
broader human rights context. Interesting information had also been included on the issues discussed earlier in the Committee. However, one issue which the Committee of Experts had raised in the past, and which members in various panels had raised during the mission to cover last year, was that concerning the Islamic Works Councils. No information had been included in the report on this matter and the reasons for its omission were unclear. The members of the Committee of Experts had expected that these were positive aspects that had needed to be raised and that the law was in open violation of the Convention. He stated that, in his opinion, the law was in open violation of the Conventions Nos. 87 and 98. He had also raised the issue of the recent legislation that had been adopted last April and which provided for sex segregation in health care at all levels.

With regard to violations of the compulsory dress code, while this did not lead immediately to a dismissal, other humiliating disciplinary measures were implemented which could be compared to dismissals. As for the new legislation on small enterprises which denied social protection and other rights at work, he considered this to be a clear violation of the Convention. He pointed out that the Labour Code provided for sex segregation in education, which had its parallel in employment and occupation. He also noted that the absence of any direct reference to sex in respect of non-discrimination created the impression that this legislation did not provide for protection against discrimination for Iranian women. He stated that discrimination against women with respect to marriage and marriage-related choices had been brought to the Committee of Experts’ attention. In the context of a general attitude which considered women as an inferior sex with respect to mental and physical capabilities, such discrimination might be especially important. In this regard, he asked the Government to provide information regarding section 75 of the Labour Code, which stipulated in the Civil Code, had its parallel in employment and occupation as well. He further noted that section 6 of the Labour Code guaranteed the freedom to choose an occupation, provided that such an occupation was not inconsistent with Islamic principles. He asked for more information regarding the nature of such “Islamic principles”.

He added that, under certain circumstances, discrimination on the basis of sex might take a disguised form, such as in the assignment of tasks and jobs according to the alleged strength of a worker. In the context of a general attitude which considered women as an inferior sex with respect to mental and physical capabilities, such disguised discrimination might be especially important. In this regard, he requested the Government to provide information regarding section 6 of the Labour Code, which provided that women should not be employed to perform dangerous, arduous or harmful work. He asked for further clarification with regard to the definition of these types of prohibited work and as to whether such prohibitions were based on internationally accepted standards. With regard to the observation that women judges had only advisory powers, he asked whether the regulation concerning the conditions for the selection of judges, which stipulated that only male Muslims could become judges, had been amended to bring it into conformity with the Convention. He then turned to the question of consultations with representatives of workers’ organizations during the ILO’s technical advisory mission. He pointed out that the Labour Code provided for two types of workers’ organizations: guild societies, and Islamic societies and associations established “in order to propagate and disseminate Islamic culture, to defend the achievements of the Islamic Revolution and to further the implementation of article 26 of the Constitution of the Islamic Republic of Iran which stipulated that the quasi-government policy considered males and females equal with respect to their mental capabilities. He also asked the Government to provide information regarding section 75 of the Labour Code, which provided that women should not be employed to perform dangerous, arduous or harmful work. He asked for further clarification with regard to the definition of these types of prohibited work and as to whether such prohibitions were based on internationally accepted standards. With regard to the observation that women judges had only advisory powers, he asked whether the regulation concerning the conditions for the selection of judges, which stipulated that only male Muslims could become judges, had been amended to bring it into conformity with the Convention.
In conclusion, he called for a direct contacts mission to the Islamic Republic of Iran and the inclusion of this case in a special paragraph.

The Worker member of Singapore noted that the Government had taken a number of measures to attempt to provide more opportunities for women and to assure them greater equality. She urged the Government to put these plans into practice. She further called upon the Committee of Experts and the Commission to monitor the situation closely. With regard to discrimination, she observed that there was no religious basis to justify the ill-treatment and marginalization of women in any society. She stated that equal opportunity for women in education was an investment in the present and future of a country and was an investment for the future. Women made up at least 50 per cent of any society, and a society which chose to deprive itself of women's resources and intellect would severely restrict its own growth. It was an investment in the future, because women took the key role in the family, and poorly educated women would have a harmful effect on future generations. She further stressed that the initiatives by the Government mentioned in the report of the Committee of Experts should not be regarded as concessions but rather as basic rights due to women in any civilized society. With regard to the new law mentioned by the Worker member of the Islamic Republic of Iran, she strongly urged the Government to repeal it immediately. She noted that small enterprises were common in developing countries and that they were usually the largest employer of women. Excluding such small enterprises from the ambit of labour law would deprive a large majority of workers from the basic protection of the law. In conclusion, she called upon the Government to respect its obligations under international law and to immediately repeal this legislation.

The Worker member of Romania recalled that this case had been discussed several times in the past and that it had been mentioned seven times in a special paragraph. After reading the report of the Committee of Experts, it appeared that recent law and practice had only increased discrimination against women and religious minorities. The participation of women in the labour market continued to be low and they did not have access to higher posts. Discrimination persisted in the areas of marriage, inheritance, guardianship and divorce, as well as in the field of employment. Legal obstacles to the promotion of women to higher positions in the public service also remained. The situation concerning the obligatory dress code for women public employees had not improved either. In conclusion, he referred to the report of the Committee of Experts which had reported last January on ten women who had been imprisoned for violating the dress code. Furthermore, discrimination on the basis of religion with regard to access to education and employment continued to exist. Persons who worked in an Islamic theological examination, which prevented religious minorities from entering higher education. This religious discrimination also existed in the public sector. Finally, he emphasized that the new law repealing small enterprises with fewer than five employees was only an advisory mission. With regard to the need for a direct contacts mission, which, in his view, would be more effective than a technical advisory mission. With regard to the recent report and the conclusions of the Committee of Experts, in his view, discrimination against the Baha'i community appeared to include changes, but asked the Government whether it would be possible to speak of progress in these matters when only 10 per cent of women participated in the labour market. He insisted upon the need for a direct contacts mission which, in his view, would be more effective than a technical advisory mission. He recalled that the Government had declared last year that the mission could be conducted without any restrictions on its mandate. This had, however, not been the case in practice. He referred to paragraph 9 of the report of the Committee of Experts and highlighted the contradiction between the fact that, on the one hand, only 10 per cent of women were employed, which apparently corresponded to their desires, and on the other hand, laws were in force which allowed men to prohibit their wives from working. Finally, he requested a direct contacts mission.

The Worker member of Greece recalled that this case had been the object of discussions in a wholly different climate in the past. He noted with pleasure the changed attitude of the Iranian Government. He was uncertain why the Government feared a direct contacts mission and had transformed it into a simple advisory mission. With reference to the report of the Committee of Experts, he fully agreed with the observations made by the Worker member of France. He also emphasized that the new Act on divorce had not been published. He also noted with great interest the interventions concerning the observance of human rights. In this respect, he stated that there were a number of undertakings by the Government to take all necessary measures to ensure the observance of human rights. In the light of recent developments, he noted that the Government had declared last year that the mission could be conducted without any restrictions on its mandate. This had, however, not been the case in practice. He referred to paragraph 4 of the report of the Committee of Experts and highlighted the contradiction between the fact that, on the one hand, only 10 per cent of women were employed, which apparently corresponded to their desires, and on the other hand, laws were in force which allowed men to prohibit their wives from working. Finally, he requested a direct contacts mission.

The Worker member of Pakistan stated that it was positive that the Government had accepted the mission and opened dialogue. He also noted with great interest the interventions concerning the observance of human rights. In this respect, he stated that there were a number of undertakings by the Government to take all necessary measures to ensure the observance of human rights. In the light of recent developments, he noted that the Government had declared last year that the mission could be conducted without any restrictions on its mandate. This had, however, not been the case in practice. He referred to paragraph 4 of the report of the Committee of Experts and highlighted the contradiction between the fact that, on the one hand, only 10 per cent of women were employed, which apparently corresponded to their desires, and on the other hand, laws were in force which allowed men to prohibit their wives from working. Finally, he requested a direct contacts mission.

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the Convention in full and requested the assistance of the ILO in that regard. In replying to the points raised during the discussion, he offered to provide all the information provi­d ed to the ILO after it had been translated. With regard to the issue of religion, he pointed out that the information provided by the Committee on the Implementation of the Constitution, the mandate of which covered all Iranians irrespective of their sex or religion. He also stated that the members of the Islamic Human Rights Commissi­on were independent and that it was not just dealing with problems of Frankish Muslims. Although the increased participation of girls in the education system and the role of women in raising educational standards. For example, over 70 per cent of the candidates accepted for pharmaceutical examination were women and their marks were better than those of men. He referred members of the Committee to the detailed statistics found in the UNESCO report. He also offered to provide a list of high-ranking women in the Government, including the Vice-President, deans of universities, and members of parliament. Concerning the new law on small enterprises, he noted that the workers had protested against the law and the Ministry of Labour and Social Affairs had objected to its adoption. He indicated that the new Parliament would soon address the issue again and consider a new law. On the subject of Convention Nos. 111 and 122, he stated that they were represented in Parliament and had enjoyed a long tradition of peaceful coexistence within the country. Although the members of the Baha'i faith did not belong to a recognized reli­gious minority, the Government had introduced amendments to the citizenship approved by the Expediency Council in 1999, all Irani­ans enjoyed the rights of citizenship irrespective of their belief. The Government was making all efforts to remove difficulties within the framework of the Constitution. In conclusion, he recalled that the ILO mission had been made welcome although the discussions had sometimes been difficult. Everything should be done to facilitate the continuation of the constructive measures taken by the Govern­ment, including the holding of seminars and training courses. In view of the efforts which were being made, his Government looked forward to cooperation from all concerned.

The Employer members emphasized the importance of the Government making a demonstrable improvement in its law and practice before the next meeting of the Committee of Experts. It would be necessary for it to provide the relevant amended legisla­tion and statistical evidence to prove to everyone that meaningful progress was being made in complying with the provisions of the Convention.

The Worker members stated that between now and next year proof would need to be provided of the progress which had been made. The evidence should be reflected in the report of the Committee of Experts. In addition, the information provided during the discussion, the Committee should recog­nize the positive attitude shown by the Government and the value of the ILO mission. It should also express a cautious welcome with regard to certain positive developments in the country, while em­phasizing that the situation was not yet in line with the standards of the Convention. It should also urge the Committee of Experts in its next report to include a detailed assessment of the situation with regard to compliance with the Convention in practice and, in partic­ular, in law. The Government's request for ILO assistance should also be noted.

The Committee took note of the statement made by the Govern­ment representative and the subsequent discussions. It recalled that this had been the second discussion in the Committee over a number of years and that serious divergencies from the re­quirements of the Convention had been noted. It also recalled that last year it had welcomed the Government's request for a technical mission to examine all the points raised in the report of the Committee, and that the report of the mission had been reflect­ed in the report of the Committee of Experts. The Committee not­ed with concern that some legal restrictions remained on the em­ployment of women, including the fact that women judges were still unable to render verdicts, and that the provisions of the Civil Code were applied, including the limitation of women's marital rights. As a matter of urgency and would be in a position next year to report progress on the outstanding issues in order to ensure the full applic­ation of the Convention in law and in practice and requested the Committee of Experts to provide a detailed assessment of compli­ance with law and practice. The Committee encouraged the Gov­ernment to continue cooperation with the ILO.

Convention No. 122: Employment Policy, 1964

Hungary (ratification: 1966). A Government representative stated with reference to article 24 of the ILO Constitution that, in 1997, the National Federation of Workers' Councils submitted a representation against the Hungarian Government, alleging non­compliance with the provisions of Convention Nos. 111 and 122 relating to the implementation of Convention No. 122. Under point 3, the Commit­tee of Experts noted that the Hungarian Government had reported on the implementation of Convention No. 122. In 1998, the respective annual average rates were 7.5 per cent for men and 6.3 per cent for women. However, the Government remained unsatisfied with the situation and was making efforts to improve it, through job creation and by promoting the employment of women. He highlighted two of the employment policy objectives for the year 2000 set by Governmental Directive: (1) employment expansion and, in the long-term, attainment of full employment, in accordance with the objectives of the European Union; (2) modernization of the labour market; improvement of labour market opportunities for women and men, with a particular emphasis on importance of equal opportunity for women: protection under labour law; shorter working hours for minors, pregnant women, mothers/ parents; improvement of labour market opportunities for women and men, achieved through various programmes: teleworking; part-time employment promotion; promotion of potential entrepreneurs; improved labour law protection to parents returning to work from childcare leave; free legal coun­
selling programme launched by the Ministry of Social and Family Affairs to remedy and prevent discrimination at the workplace; authorisation of the labour inspection authorities to investigate allegations of violations of the principle of equal opportunity, and the training of labour inspectors. The case had required the Government to put through legal amendments to remedy the situation which permitted discrimination arising from differences between the pension eligibility criteria of men and women. Although much work had been done to the issue, the different aspects of the same issue also encouraged the Government to take steps to shorten court procedures by substantially raising the courts' budgets. As a result, the duration of labour law proceedings had shortened radically, thus improving the situation. Technical training was provided to job centres so as to enable them to act effectively in cases of possible mass lay-offs.

Further sector plans included the evaluation of the programmes launched to assist women; the extension of those which proved viable, with special regard to the improvement of labour market opportunities for mothers with children and persons near retirement age; encouragement of the social partners and strengthening of cooperation between the Government and social partners; preparation of the appropriate transformation of the system of statistical accounting; adoption by the Government of equal opportunity directive of the European Union this year. The Government represented at international conferences concerning the development of employment of women over a period of time to the Office.

Point 4 was related to the concerns that arose in the Committee of Experts expressed in respect of the 1998 termination of the Ministry of Labour. This termination had been one of the measures the Government had taken on taking office of the new administration. The former Ministry of Labour policy-making, managing active employment measures, collective bargaining and related functions were transferred to various separate ministries, such as the Ministry of Social Affairs; issues related to vocational training came under the Ministry of Education; adult training and labour market training, the employment service, passive employment policies, labour law and labour inspection stayed within the Ministry of Social and Family Affairs, who took over the full powers of the former Ministry of Labour.

In June 1998 the Government reallocated the responsibilities of the former Ministry of Labour as follows: employment service, passive employment policies, labour law and labour inspection stayed within the Ministry of Social Affairs; issues related to vocational training came under the Ministry of Education; adult training and labour market training, the employment service, passive employment policies, labour law and labour inspection stayed within the Ministry of Social Affairs; issues related to vocational training came under the Ministry of Education; adult training and labour market training, the employment service, passive employment policies, labour law and labour inspection stayed within the Ministry of Social Affairs; issues related to vocational training came under the Ministry of Education; adult training and labour market training, the employment service, passive employment policies, labour law and labour inspection stayed within the Ministry of Social Affairs; issues related to vocational training came under the Ministry of Education; 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They further noted that information contained in the Government's report was relevant for the period May 1996 to May 1998 and hence dealt with a past situation. With regard to the content, the Committee of Experts noted that a number of active persons had declined. There was a decrease in supply but not in demand for work. Moreover, many employers believed that this was due to the phenomena of extended education and training periods and early retirement. As a result, there was an obvious decrease in the number of economically active persons. Turning to the issue of employment rates for men and women, they noted from the Committee of Experts' comments that the labour market participation rate was higher for men than for women and from the Government representative's statement that the situation was similar in many other countries. They were of the view that evolution of employment rates was not an easily interpreted phenomenon and statistical data provided by the Government which illustrated that the unemployment rate for women was lower than for men.

The Employer members pointed out that the objective of Convention No. 122 was to obtain a comprehensive overall picture concerning employment policy. Economic and social policies were part of government policy; therefore, an isolated view on issues concerning employment policy was not possible. They expressed their surprise over the fact that the Committee of Experts had raised the issue again. The Convention of the ILO was, of course, a long-standing tradition regarding the establishment of labour ministries. If the Ministry of Labour had been dissolved, obviously its task had been distributed to other ministries. Why was it necessary to consider questions pertaining to the tasks and functions of the Ministry of Labour were undertaken by another body. It was therefore of minor importance to which ministry or institution these tasks were distributed. The Employer members believed, however, that the Committee should not have been concerned with the manner in which the dissolution had probably affected consultation with workers and with employees' representatives on subjects concerning the coordination of employment policy. In this regard, the Employer members welcomed the information provided by the Government representative that the role that tripartite consultation had effectively carried out in the country. With reference to the conclusions of the Committee set up to examine the representation made under article 24 of the ILO Constitution, to which the Committee of Experts also referred, the Government should supply additional information in order to determine the extent to which the Division of the Supplementary Budget Act of 1995 which had been the subject of the aforementioned representation. Since the Government representative had shown his Government's readiness to provide this information, the Employer members would certainly come back to these cases.

The Worker member of Hungary indicated that in 1995, more than 10,000 employees were dismissed within some weeks at the higher education institutions in Hungary in connection with the Supplementary Budget Act of 1995 which decreased the staffing costs and the unemployment benefits. At the same time, Government Decree No. 102/1995 prescribed a 15 per cent staff reduction for higher education institutions. This was followed by a Ministry of Culture and Public Education measure also ordering these institutions to undertake the staff reductions. The Government fixed a deadline of only three months for the execution of the staff reduction. The purpose of this mass redundancy was to make savings in the state budget. However, no consultations had been held with the workers' representatives or the universities before determining the extent of the tripartite consultation that had been effectively carried out in the country. With regard to the legal aspects of the case, the Hungarian Constitutional Court had qualified the Decree and the Ministry of Education measures as an infringement of the right of freedom of association of employees. The measure could only be implemented when the fundamental duties inherent to the rights to work and freely chosen employment and the raising of standards of living were recognized by the Constitution. This was especially relevant as the measures was implemented in the absence of social partners, areas in which significant gaps seemed to have appeared. In this respect, the treatment of staff members, including the long term unemployed, and the integration of young people and women in the labour market. It was an innovative and original step to dissolve purely and simply the Ministry of Labour and reallocate its functions to other ministries. However, the division of the Ministry of Employment and Social Affairs should have, governments had to be structured in such a way as to be able to implement the effective employment policies that the Convention required. In this respect, the treatment of staff members had to be decided on and kept under review within the framework of the national tripartite bodies, the Tripartite Committee of Experts, the Council for Employment and Social Affairs and, as a result, the Committee of Experts and the Council for Employment and Social Affairs.

The Employer member of France observed that over the past few years, the Government had changed the composition of the tripartite bodies, the Tripartite Committee of Experts, the Council for Employment and Social Affairs and, as a result, the Committee of Experts. It was striking that the Government had made efforts to constitute what he considered an effective government to subordinate social issues to economic ones in denial of their inherent value under the ILO Constitution. It was therefore important for the Government to open consultations quickly with the social partners to establish a dialogue on employment and for the Committee to start its work again from the first day of its establishment.

The Worker member of France observed that over the past few years, the Government had changed the composition of the tripartite bodies, the Tripartite Committee of Experts, the Council for Employment and Social Affairs and, as a result, the Committee of Experts. It was striking that the Government had made efforts to subordinate social issues to economic ones in denial of their inherent value under the ILO Constitution. It was therefore important for the Government to open consultations quickly with the social partners to establish a dialogue on employment and for the Committee to start its work again from the first day of its establishment.
was a basic human right since it enabled workers to provide for their own needs as well as those of their family. It was, to be sure, for the Government to choose the most appropriate means of safeguarding this right. In any event it had to protect it. The statistics before the Committee demonstrated that this right had not been implemented. The Worker member appealed, therefore, to the Government of Hungary to frame an active, coordinated and coherent employment policy fully involving the social players and to set up an efficient Tripartite co-operation structure.

The Worker member of Romania stated that although this Committee was examining the case of Hungary for the first time, the Committee of Experts had already formulated three observations regarding the application of this Convention by Hungary and underlined the importance of Convention No. 122 for workers. The fact that the labour market participation rate was lower for women than for men was a violation of Article 1, paragraph 2(c), of the Convention. The second point raised by the Committee of Experts in its absence was that the Government had implemented Article 24 of the ILO Constitution. The representation related to the application of the Supplementary Budget Act of 1995 which had resulted in the mass dismissals of employees of institutions of higher education. As regards the third point raised by the Committee of Experts, namely the pure and simple dissolution of the Ministry of Labour, he considered the situation to be unacceptable. The negative effects of such a decision on the consultation process between the social partners and the already functioning social protection institutions had increased. It was quite clear that the employment policy and social dialogue remained a major problem in Hungary with no adequate and effective strategies to fight long-term unemployment and enhance equal opportunity programs to create employment opportunities for women in the labour market creation in the emerging sector. The so-called growth promotion strategy indicated in the Committee of Experts report could not succeed due to structural mismatches within the government measures and total lack of social dialogue. This fragmentation of responsibilities and lack of effective coordination represented a major handicap for effective employment programmes. Such programmes needed a higher synergy in the monitoring, planning and implementation stages, especially to face long-term unemployment and to adapt vocational training to match market supply and demand. It would appear that there was still a lack of an appropriate investment policy in areas with higher unemployment in order to create better conditions in terms of infrastructure to attract productive investments. There appeared also to be a lack of appropriate social measures to support affected workers and help them to find new jobs. This critical situation also risked producing a high emigration of young unemployed persons towards neighbouring countries thereby creating a critical social situation which would undermine economic and social stability. A joint coordinated socio-economic employment plan within the Government and at all levels of public administration and social partners should be defined with the participation of employers’ and workers’ organizations in the search for adequate solutions. Such social dialogue, however, was not implemented even though a national labour council and other bodies existed on paper. Empty institutions needed to be clearly restricted in consultation with a joint employment policy which was important but rather the substance of the policy to be implemented as well as consultations between employers’ and workers’ representatives. They requested the Government to take advantage of ILO technical assistance in order to establish a true tripartite consultation system on employment matters.

The Employer members believed that the Government representative had already supplied comprehensive information on this case to the Conference Committee and indicated that the Committee of Experts conclusions should request the Government to keep the Committee fully informed on all employment policy matters in future reports to the Committee of Experts.

The Committee noted the detailed information, including statistics, submitted by the Government representative and that the communication was rejected. It was expected that the Committee of Experts would submit additional information on its efforts to increase the labour market participation of women and workers with disabilities. The Committee of Experts underscored the importance of Convention No. 169: Indigenous and Tribal Peoples, 1989.

Mexico (ratification: 1990). The Government has sent the following information:

With regard to the first paragraph of the observation of the Committee of Experts, the Government has reaffirmed its desire to pursue cooperation with the ILO not only by submitting reports and information requested from time to time, but also by implementing recommendations contained in reports. With reference to the Committee of Experts report on the Convention of the Rights of the Child, the Government organized a “Seminar on the Inspection of Labour Conditions in the Rural Sector”. This technical cooperation included the participation of ILO officials, representatives of indigenous peoples’ organizations, and officials of the Mexican Government.

The second paragraph deals with the protection of land rights of the Huichol Indian community in the municipality of Mezquitic, Jalisco. In June 1998 the Government adopted the report of the committee set up to examine the representation concerning the violation by Mexico of ILO Convention No. 169: Indigenous and Tribal Peoples, 1989. This report was taken to the United Nations and the Radio Education Trade Union Delegation, D-III-SV, of the Mexican Government to provide detailed information in its next report. The Government of Mexico provided the information as requested to the ILO in the representation concerning an alleged violation of Convention No. 169: Indigenous and Tribal Peoples, 1989. Authorities have not returned the Huichol Indian community of San Andrés Cohamiata, and in particular to the “Tierra Blanca” group of Huichol Indians, land they had historically possessed and which had been given to another rural mixed-race population at Nautla. This situation was the consequence of the territorial reforms. In this regard, the Government had presented its comments in communications dated 24 November 1997, 8 December 1997, and 9 and
The Committee of Experts informed the ILO of the situation of the indigenous population concerning the exploitation of indigenous migrant workers. In September 1999, the national enterprises allowing exploitation of mineral and forestry medical units.

The Government of Mexico has provided the following information on the indigenous community of Chinanteco, and provided a reply on 25 February 1999. At this stage, the Committee of Experts requested the Government to provide information on the measures taken to bring a solution to the situation of the indigenous community of Chinanteco, and to further economic and social development. Parallel to this, the Committee of Experts considered that the information provided was insufficient.

Likewise, it will set the conditions according to which the ejido assembly grants to each member influence concerning its parcel. In the case of transfer of parcels, the right of preference set forth in the law will be respected.

In conformity with the Agrarian Law (articles 64 and 107), the land of the ejidos and the communities which are set aside by the Assembly for Human Settlement are inalienable and non-transferable since they are a part of the irreducible patrimony of the community. Lands for building are the property of their holders, whether these are ejidos or members of a community, as set forth in the Federal Law on Agrarian Reform of 1972, regulated in the subsequent amendments to the Agrarian Law states that it is for the communal Agrarian Assembly, - the body in charge of examining the ejidatario, authorit.

The law, as concerns the wishes of the members of an ejido of a community to adopt the most suitable conditions for the exploitation of the productive resources, will regulate the exercise of rights of members of the community over the land and the ejidario over its part (...) and as concerns its ejidatarios, will regulate transmission of land rights to other members of the community. Likewise, it will set the conditions according to which the ejido assembly grants to each member influence concerning its parcel. In the case of transfer of parcels, the right of preference set forth in the law will be respected.

In conformity with article 101 of the previously mentioned law, the communal form of ownership implies the individual status of the member, a status which gives the latter the use and possession of his parcel, its rights over a parcel as provided in article 80, this right simply allows to transfer his ejido or a community.

As regards the devolution, transfer or conveyance of rights, if the Agrarian Law authorizes the member of an ejido to transfer his rights over a parcel as provided in article 80, this right simply allows to transfer the use and possession of the ejido or the equivalent of a small holding. In the case of co-membership, the Secretariat of Agrarian Reform orders, after review, a member of an ejido to sell the excess within one year from notification.

The Committee of Experts considered that the information provided in this reply was insufficient.
tion of the decision. As is the case with devolution of land, articles 81-86 of the Agrarian Law govern the procedure for full and complete access to property. As regards communal property, under article 83, the Agrarian Law provides for the transfer of rights, this transfer being limited to parents or next of kin, but is not authorized for third parties outside the community. Any devolution of lands or accompanying rights which breach the Agrarian Law would be justifiable before the agrarian tribunals in such a manner that the Commissionariat for Agrarian Questions will not be willing to take the accusations in this context.

The sale of land is an historic phenomenon, which existed within the agrarian communities prior to the constitutional reform. It is necessary not to lose sight of the form which the conveyance of property or the use of property or land has taken. According to agrarian studies carried out by the ejidatarios the Commissionariat for Agrarian Questions in 1998, a third of the ejidos have an agreement for the use of their parcel which implies a transfer of the usufruct on the land in the form of tenant farming, an annuity or a loan. This signifies that the lands are worked by people other than their owners. Likewise, the survey showed that this type of practice has existed for many years and that they were only brought to light during the reform of article 27 of the Constitution. In fact, nearly one-third of the agricultural agreements pre-date the reform, 42 per cent have been drawn up since the start of the process in 1993 in collective property, and 26 per cent began when the Notarial Act was deposited and ended with the last harvest. According to this study, it can be seen that the forms according to which rural workers who own the collective property belongs acquire these lands are determined by economic and environmental conditions according to the large regions of the country, and they have been reinforced by the characteristics of the agrarian reform in each region.

Concerning the working rights for mineral and forestry resources, it must be noted that article 27 of the Constitution, section VII, authorizes rural workers who belong to the community to join together with the State and third parties in authorizing the use of these lands. Section VIII(b) of this constitutional provision declares void: "All concessions or sales of land, water or hills made by the Secretariats of State for Development and Finance or any other federal authority since 1 December 1876 to date, which enabled invasion or illegal occupation of collective lands, communal property, or other property belonging to inhabitants of villages, hamlets, congregations, or communities".

Likewise, the rural workers in villages of indigenous communities enjoy the right to work and manage forestry resources or those of protective natural zones by virtue of laws on forestry from 1997 and on ecological balance and environmental protection in 1996 in particular. The Government indicates that it is worried about the supervision and application of these standards and procedures concerning the management of forests, the forms of participation, exploitation and administration as provided in the national legislation.

(c) Concerning consultations with indigenous representatives on constitutional reforms, as previously indicated to the Committee of Experts, in its report sent in 1998, the constitutional reforms were submitted in March 1998 to Congress, with a view to recognizing indigenous rights. The impetus for the process of constitutional reform which recognizes the rights of indigenous peoples in the context of their cultural difference, began a little more than a decade ago in local Constitutions, in criminal codes and codes of procedure, regulatory laws, organic laws relating to judicial power, organic municipal laws and other texts in the federal and state framework.

(d) Independently of the information that the Government will provide in its next report, it should be noted that, concerning the abuse of indigenous migrant workers, the Government has held consultations with the responsible authorities and, when it has received this information, it will bring it before the Committee of Experts.

Concerning indigenous migrant workers, it should be noted that the Government has adopted the following measures in order to make known the labour rights applicable to indigenous communities: publication and distribution among the core indigenous population of a document entitled "Labour rights and obligations for rural workers"; translation of information on labour rights in the different indigenous languages with the help of the INI; communication of information on labour rights by means of 19 broadcast radios by the INI; creation and management of training scholarships and advice on commercialization of productive projects. In order to identify the needs concerning indigenous women workers, links were set up with programmes with the Secretariat of Labour, such as the programme for training of unemployed workers (PROBECAT), and the programme for training of workers (PROFESIONAL). Likewise, measures have been taken with the Autonomous University of Chapingo to train social workers;

— the creation of a commission in charge of analysing the problems and determining the strategies for implementation of social security law. This commission includes organizations of employers, rural sector agricultural workers and other public and international governmental bodies through the Secretariat of State for Labour and Social Security and the Mexican Institute of Social Security;

— the promotion and defence of labour rights;

— the holding of seminars, including the "Seminar on Migrant Agricultural Workers" which was held in Los Angeles, California, in February 1999.

Moreover, in the field of safety and health, as well as conditions of work, the federal labour delegations of the Secretariat of State for Labour and the National Council of Educational Development (CONAFE) have adopted their decisions on the cases to which the Committee of Experts concerning the alleged expressions of concern by the Government of Mexico in its next report. The Government was already working to determine the strategies for implementation of social security law. This commission includes organizations of employers, rural sector agricultural workers and other public and international governmental bodies, as well as the Council for Socialization and Certification (CONOCER), and the training of government officials in charge of explaining labour rights of indigenous populations, such as rural teachers of the National Council of Educational Development (CONAFE).

In addition, the Government has referred to the Minister of Development and Cooperation of the United Kingdom (CIMO), as well as the Council for Socialization and Certification (CONOCER), to the training of government officials in charge of explaining labour rights of indigenous populations, such as rural teachers of the National Council of Educational Development (CONAFE). Likewise, measures have been taken with the Autonomous University of Chapingo to train social workers;
been intensified during the 1990s and had led in the first place to the recognition of their culture. It was the responsibility of the Congress to decide on, among other matters, the manner in which they lived in the relations between the federal, state and municipal authorities. Legislation at the municipal level with a view to ensuring that the usages and customs of indigenous peoples as elements in their as-plurality set out in article 4 of the Constitution. The Federal Code of Municipalities of 1988, which provided for the adoption of regulations at the municipal level, including the Agrarian Act, the General Education Act, the agrarian and communal territories was therefore under social ownership, which left less than half the original territory. At the present time, there were 27,460 comunidades ejidales.

During the same period, 129 editions of books in indigenous languages had been reprinted with a circulation of 1 million copies. The Agrarian Legal Office worked with the National Agrarian Registry to provide security of title for the ownership of rural lands. Government agencies which were involved in agrarian issues, and particularly the assemblies of workers of ejidos and comunidades, were advised to holders of ejidos and comunidades, ejidos and comunidades, comunidades and ejidos, and to de-
The Government representative indicated that public policies could not be carried out without the participation of indigenous peoples and that Mexico was therefore envisaging mechanisms of dialogue with them. Since 1993, the creation and implementation of Indigenous peoples was guaranteed through their participation in all political parties and in the federal and state legislative assemblies. For example, 40 per cent of the deputies were indigenous in Oaxaca, 16 per cent in Quintana Roo, 15 per cent in the Federal District and 10 per cent in Chiapas and Tabasco. This trend for wider representation was also being extended to the municipal level. Indigenous affairs commissions, composed of the various political parties, existed in 20 per cent of the states, with the highest proportions of indigenous peoples. The Congress of the Union also had a Commission on Indigenous Affairs.

She then referred to a number of the points set out in the observation of the Committee of Experts. Reference was made in paragraph 2 to the land rights of the Huichol Indian Community in San Andrés Cohamiata, Mezquital Municipality, Jalisco. She recalled in this respect that Mexico had already provided the ILO with information on the occasion of a representation alleging non-compliance with Convention No. 169. According to the representation, the authorities had not returned to the Huichol community in San Andrés Cohamiata lands which had historically been in their possession, and particularly the area of the Huichol group of Tierra Blanca, the ownership of which had been recognized in another agreement in Nayarit. As the Committee of Experts was already aware, the Huichol of Tierra Blanca obtained a protection order under the terms of which the decision of the Unitary Agrarian Tribunal of Nayarit, was overturned. In complying with the protection order, the Huichol people and existing judicial bodies had been used. She also indicated that the Jaliscense support association for indigenous groups had represented the Huichol in the case. This social organization undertook managerial, advisory, training and defence activities in agrarian matters and the Huichol rights were recognized in Nayarit.

She noted that paragraph 5 of the observation of the Committee of Experts referred to a representation concerning the land rights of Chinanteca indigenous persons located in the Uxpanapa Valley in Veracruz. She stated that, in the same way as with other indigenous peoples found in its everyday life, strengthening channels of communication with Chinantecas indigenous persons residing in the Uxpanapa Valley. The National Indian Institute had supported the establishment and financed social organizations, such as the Committee for the Defence of Chinanteca Rights and the Uxpanapa Indian Council. These were organizations which protected the rights of communities and promoted their economic and social development.

The Uxpanapa Valley Regional Indian Fund also supported the process of organizing the communities and promoting their regional development. The National Indian Institute had participated in the establishment of the Uxpanapa Municipality in 1996. Through the Regional Fund, it was currently channelling significant resources to the region for public works, nutrition projects and social and economic development. At the end of 1996, the National Indian Institute held diagnostic and planning workshops for infrastructure, the results which made it possible to obtain support for the maintenance and the implementation of various social projects. She added that in the next few weeks a regional fund would be established for Chinanteca to promote training and development activities in the area with a gender perspective.

With regard to paragraph 4 of the observation, she stated that the right to land was enjoyed by all Mexicans. The Mexican Constitution established three forms of land ownership: national, private and communal. The lands of indigenous peoples could be owned under any of these forms of ownership. The report of the Committee of Experts had pointed to the claims made by the Huichol of Front (FAT), which had erroneously alleged that the agrarian reform of 1992 had had the effect of making indigenous lands alienable, saleable and prescribable. She denied that this was the case and stated that the Mexican Constitution guaranteed the identity of communities on ejidos and comunidades and protected their ownership of the land, both in terms of human settlement and productive activities. It also protected the integrity of the lands of indigenous groups. The Agrarian Act provided that the assemblies of agrarian areas were the entities which determined the possibility of alienating their lands or their rights.

In this way, the workers on ejidos and comunidades would be carried out. The Government representative indicated that public policies could not be carried out without the participation of indigenous peoples and that Mexico was therefore envisaging mechanisms of dialogue with them. Since 1993, the creation and implementation of Indigenous peoples was guaranteed through their participation in all political parties and in the federal and state legislative assemblies. For example, 40 per cent of the deputies were indigenous in Oaxaca, 16 per cent in Quintana Roo, 15 per cent in the Federal District and 10 per cent in Chiapas and Tabasco. This trend for wider representation was also being extended to the municipal level. Indigenous affairs commissions, composed of the various political parties, existed in 20 per cent of the states, with the highest proportions of indigenous peoples. The Congress of the Union also had a Commission on Indigenous Affairs.

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been suggested by the Workers' group and it demonstrated their effort to balance attention given by the Committee on the Application of Standards to basic human rights cases and other difficult cases. They were somewhat concerned by the possible inference that could be drawn from the statement by the Government representatives. Moreover, in the context of the Committee of Experts’ conclusions, it was noted that the Government had not deployed sufficient efforts, in particular towards establishing the appropriate climate of consultation. They further noted, with interest, that this case had been brought before the Committee of Experts so far. In this context, the Employer members recalled that this Committee had previously discussed the case of Mexico in 1995. At that time, information regarding serious problems involving Chiapas had been received from various organizations representing indigenous communities and from the National Indian Institute. Noting that the Committee was now examining different issues, the Employer members thanked the Government for preparing a detailed report on the issues raised. The Committee of Experts had included four points in its observation, but it had not provided sufficient detail. Accordingly, this Committee could not evaluate the issues in depth. With regard to the issue of indigenous rights, the Employer members noted that the Government had no knowledge. It would be very different if the ethnic groups concerned had submitted a complaint setting out in detail the matter which was of concern to them. He emphasized that in Mexico the fundamental rights of indigenous peoples were recognized and respected and that they were considered to be an important part of the population. He stated that employers were interested in developing sources of employment in the most isolated parts of the country. He stated that the Convention was fully applied in a context of dialogue, with the participation of the various social partners. Finally, he expressed the view that the additional report requested by the Committee of Experts would be helpful in order to proceed with the discussion at the Committee of Experts.

The Employer member of Mexico expressed full support for the report presented by the Government representatives. He said that Mexican employers witnessed and were protagonists in the efforts made by the Government to maintain social dialogue and promote investment in the most isolated regions of the country, which had been delayed, with a view to encouraging economic and social integration with the rest of the population. For this purpose, the development of private initiatives was being promoted in these areas through fiscal incentives and many types of facilities to open the door to foreign investors. In addition, the recruitment of local inhabitants was being encouraged. Nevertheless, he warned that the subject covered by the Convention lent itself to all types of rhetoric and manipulation by interests which were related to the issues involved. He mentioned that so-called workers’ organizations, with a view to gaining notoriety, claimed to submit complaints concerning disputes of which they had no knowledge. It would be very different if the ethnic groups concerned had submitted a complaint setting out in detail the matter which was of concern to them. He emphasized that in Mexico the fundamental rights of indigenous peoples were recognized and respected and that they were considered to be an important part of the population. He stated that employers were interested in developing sources of employment in the most isolated parts of the country. He stated that the Convention was fully applied in a context of dialogue, with the participation of the various social partners. Finally, he expressed the view that the additional report requested by the Committee of Experts would be helpful in order to proceed with the discussion at the Committee of Experts.

The Worker member of Mexico indicated that the Confederation of Mexican Workers, like the National Peasants’ Confederation and the Indigenous Coordination, had taken part in the legislative reform process through discussions and dialogue with various legislative bodies at the federal, state and local levels. At the state level it had been decided to draft community laws. He pointed out that in more than half of Mexico’s states had amended their constitutions to respect the principles of the Convention. He recalled the importance to observe that workers, peasants and indigenous peoples belonged to the Union Congress, whose decisions were taken jointly. The fact that Mexico had a large number of indigenous groups within its borders, each with its own language and customs, posed a serious problem. These communities were open to interference from the outside not only by groups seeking to safeguard human rights but also from every sort of religious sect without giving due consideration to the settlement of the situation to pursue its own interests. Peace and order could only be maintained within such circumstances in the context of respect for the law. Otherwise, the situation would degenerate into a large-scale conflict which, understandably, no one wanted. To conclude, the Worker member stated that a dialogue was under way and the problems were being addressed slowly, but productively.

The Worker member of Brazil indicated that he was speaking out of solidarity for the Mexican people and because there was also a huge number of indigenous peoples in his country. He welcomed the statement by the Government representatives. He stated that it was important to examine whether the activities and policies which had been described were in conformity with the Convention. He recalled the importance of one of the basic objectives of the Convention, namely that indigenous peoples should participate in the development of the policies applicable to them and should be consulted through appropriate procedures. In this respect, he shared the concern of the Committee of Experts with regard to the development of Mexican public policies which did not respect this principle. He emphasized that consultation required institutionalized mechanisms accessible to all, the general public, and the other aspect referred to in previous years by the Committee of Experts. He had been the legal and constitutional reforms which could have the effect of negating or restricting the legal scope of the provisions of the Convention. In that regard, he recalled that an amendment to the law had been proposed in 1999 which dealt with the recruitment and conditions of employment of indigenous peoples, it had noted that it was regrettable that wage discrimination still existed and needed to be eliminated. Finally, he
refirmed that an essential element of the Convention consisted of the holding of consultations with representative organizations. He added that the government might be applying the Convention in practice and might be addressing the problems of the indigenous workers. However, the Committee was not in a position to determine whether the measures taken had been sufficient to protect the rights of indigenous and tribal peoples. In conclusion, they stated that the government should provide additional information in a report.

The Committee noted the detailed written and oral information supplied by the government representatives, and the discussion which took place. The information provided indicated that the government was taking steps to address the questions raised by the Committee of Experts, but that continuing efforts were still required. It noted with concern that the governing body, in its conclusions on two representations under article 24 of the Constitution, had evoked problems in carrying out effective consultations between the government and indigenous organizations. Similar questions had been raised in comments by workers' organizations, as had continuing allegations of labour abuses against rural indigenous workers and questions concerning the land rights of indigenous peoples. The Committee urged the government to continue to provide detailed information on measures to the Committee of Experts to resolve the numerous questions raised by the Committee of Experts concerning the application of the Convention, with the technical assistance of the Office, if necessary.

Constitution No. 98: Right to Organise and Collective Bargaining, 1949

The Employer members recalled that, according to the usual working methods the case of a country, the government of which had not responded to the invitation of the Conference Committee, was examined on the last day of the discussion of individual cases. The objective was not to examine the substance of these cases, given the impossibility of having a discussion with the governments concerned, but to underline in the Conference Report the importance of the issues raised and the necessary measures for the re-establishment of a dialogue. The report would mention for each country the case in question.

The Worker members observed that the Committee of Experts had been drawing the attention of this Committee since 1997 to the serious problems of gender discrimination which were culminating in the violation of Convention No. 111 by the government of Afghanistan. The Worker members expressed once again their regret and their grave concern at not having been able to discuss this situation with the government and which merited the undivided attention of this Committee. It was regrettable that the efforts undertaken by the ILO had not succeeded up to now. The ILO and the whole international community should take their responsibilities with greater conviction and force and increase their pressure on the government of Afghanistan.

The Worker members also emphasized the importance of the invasion of Convention No. 98 by the Government of Saint Lucia, the Worker members recalled that, according to the usual working methods the case of a country, the government of which had not responded to the invitation of the Conference Committee, was examined on the last day of the discussion of individual cases. The objective was not to examine the substance of these cases, given the impossibility of having a discussion with the governments concerned, but to underline in the Conference Report the importance of the issues raised and the necessary measures for the re-establishment of a dialogue. The report would mention for each country the case in question.

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Regarding the application of Convention No. 98 by Saint Lucia, the Worker members recalled that this case had been included on the list because of the existence of violations of the right to collective bargaining and anti-union discrimination, actions against which there was no protection. For the last nine years, the government of Saint Lucia had not sent a single report on the application of this Convention. It appeared, however, from the written information communicated by the government that the latter had transmitted a copy of an act respecting the registration, status and recognition of workers' and employers' organizations. The Committee of Experts had, however, nothing to base its conclusions on.

The Employer members regretted that some countries had not appeared before the Committee, despite being requested to do so in relation to the application of ratified Conventions. In this regard, they referred specifically to Afghanistan and Saint Lucia, noting that this was not the first time that they had failed to appear. These countries had been placed on the list of individual cases due to the Committee of Experts' concerns regarding their non-application of ratified Conventions. The Employer members considered this failure to appear as delicate to the extent that it might have negative repercussions for the government to which the ILO as a whole. It was one of the worst forms of deliberate obstruction of the work of the supervisory machinery. The Employer members deplored this lack of cooperation in relation to the Committee of Experts and the entire Organization.

The Worker members, so the report of the Committee should reflect this point, declared that they were certain that the Committee would also once again wish to request the Director-General to invite the Chairman of the Committee of Experts to attend next year's general discussion as an observer.
## C. REPORTS ON RATIFIED CONVENTIONS (STATES MEMBERS)

(Article 22 of the Constitution)

Reports received as of 15 June 2000

The table published in the Report of the Committee of Experts, page 452, should be brought up to date in the following manner:

*Note: First reports are indicated in parenthesis. Paragraph numbers indicate a modification in the lists of countries mentioned in Part One (General Report) of the Report of the Committee of Experts.*

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<tr>
<th>Country</th>
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<tr>
<td>Costa Rica</td>
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<td>Côte d'Ivoire</td>
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<td>Czech Republic</td>
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<tr>
<td>Denmark</td>
<td>21</td>
<td>19</td>
<td>2</td>
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<tr>
<td>El Salvador</td>
<td>12</td>
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<td>Ethiopia</td>
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<td>6</td>
<td>2</td>
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<tr>
<td>Grenada</td>
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<td>13</td>
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<tr>
<td>Guinea</td>
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<td>10</td>
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<tr>
<td>Guinea-Bissau</td>
<td>24</td>
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Iraq
- 26 reports requested: Conventions Nos. 8, 16, 17, 27, 29, 42, 81, 88, 89, 98, 100, 105, 111, 136, 137, 138, 142, 144, 147, 148, 149, 150, 152, 153, 167
- 1 report not received: Convention No. 11

Israel
- 6 reports requested: Conventions Nos. 81, 98, 105, 111, (147), 150

Jamaica
- 8 reports requested: Conventions Nos. 11, 98, 111, 149, 150

Lesotho
- 2 reports requested: Conventions Nos. 11, 98

Libyan Arab Jamahiriya
- 22 reports requested: Conventions Nos. 1, 29, 52, 53, 81, 88, 95, 100, 102, 103, 105, 111, 118, 121, 122, 128, 130, 138
- 4 reports not received: Conventions Nos. 14, 89, 96, 98

Madagascar
- 18 reports requested: Conventions Nos. 5, 11, 12, 26, 29, 41, 81, 87, 100, 111, 117, 119, 120, 122, 127, 129
- 2 reports not received: Conventions Nos. 118, (144)

Malaysia
- 17 reports requested: Conventions Nos. 26, 29, 81, 87, 98, 105, 111, (135), (141), (151), (159)
- 5 reports not received: Conventions Nos. 5, 11, 17, 18, 41

Malta
- 31 reports requested: Conventions Nos. 1, 2, 8, 11, 12, 16, 19, 29, 32, 42, 45, 87, 88, 95, 96, 98, 100, 105, 108, 111, 119, 127, 129, 131, 135, 136, 141, 148, 149, 159
- 1 report not received: Convention No. 117

Niger
- 18 reports requested: Conventions Nos. 11, 18, 41, 81, 87, 98, 105, 111, 117, 119, 131, 135, 138, 142, 148, 154, 156, 158

Saint Lucia
- 21 reports requested: Conventions Nos. 5, 11, 12, 16, 19, 29, 32, 42, 45, 87, 88, 94, 95, 97, 100, 101, 105, 108, 111

San Marino
- 13 reports requested: Conventions Nos. 98, 105, 138, 144, 148, 150, 151, 154, 156, 159, 160, 161
- 1 report not received: Convention No. 111

Slovakia
- 8 reports received: Conventions Nos. 11, 42, (105), 111, 130, (138), (144), 161
- 8 reports not received: Conventions Nos. 12, 17, 89, 98, 148, 155, 159, 160

Slovenia
- 17 reports requested: Conventions Nos. 11, 12, 81, 89, 98, 100, (105), 111, 121, 122, 148, 155, 156, 159, 161, 162

South Africa
- 7 reports requested: Conventions Nos. 29, 42, 63, 89, 98, (105), (111)

Sri Lanka
- 12 reports requested: Conventions Nos. 5, 11, 18, 81, 96, 98, 100, 103, 108, 135, 144, 160

Sweden
- 25 reports requested: Conventions Nos. 11, 12, 81, 89, 98, 105, 111, 121, 144, 147, 148, 149, 150, 151, 154, 155, 156, 157, 158, 159, 160, 161, 162, 164, 174, (176)

Syrian Arab Republic
- 12 reports requested: Conventions Nos. 11, 17, 18, 19, 63, 81, 89, 98, 105, 111, 118, 144

Tajikistan
- 23 reports requested: Conventions Nos. 27, 29, 45, 47, 87, 92, 98, 100, 103, 108, 111, 122, 126, 133, 142, 147, 159, 160
- 5 reports not received: Conventions Nos. 11, 119, 120, 148, 149

United Republic of Tanzania
- 16 reports requested: Conventions Nos. 29, 59, 98, 105, 131, 134, 142, 144
- 8 reports not received: Conventions Nos. 11, 12, 17, 63, 84, 137, 148, 149

Trinidad and Tobago
- 6 reports requested: Conventions Nos. (100), (144)
- 4 reports not received: Conventions Nos. 85, 98, 105, 111

Uruguay
- 22 reports requested: Conventions Nos. 11, 63, 81, 95, 98, 105, 111, 120, 121, 131, 144, 148, 149, 150, 151, 154, 155, 156, 159, 161, 162, 172
Zambia

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<th>19 reports requested</th>
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<tr>
<td>- 17 reports received: Conventions Nos. 11, 12, 17, 18, 29, 89, 98, 105, 111, 144, 148, 149, 150, 151, 154, 158, 159</td>
</tr>
<tr>
<td>- 2 reports not received: Conventions Nos. 95, 122</td>
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</table>

Grand Total

A total of 2,288 reports were requested, of which 1,641 reports (71.72 per cent) were received.
As a result of a decision by the Governing Body, detailed reports were requested as from 1959 until 1976 only on certain Conventions.

As a result of a decision by the Governing Body (November 1976), detailed reports were requested as from 1977 until 1994, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

As a result of a decision by the Governing Body (November 1993), detailed reports on only five Conventions were exceptionally requested in 1995.

As a result of a decision by the Governing Body (November 1993), reports are henceforth requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.
II. OBSERVATIONS AND INFORMATION CONCERNING THE APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (ARTICLES 22 AND 35 OF THE CONSTITUTION)

A. Information concerning Certain Territories

Written information received up to the end of the meeting of the Committee on the Application of Standards\(^1\)

*France (Guadeloupe).* Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee’s comments.

*France (Martinique).* Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee’s comments.

*United Kingdom (Anguilla).* Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee’s comments.

\(^1\) The list of the reports received is to be found in Part II B of the Report.
B. REPORTS ON RATIFIED CONVENTIONS (NON-METROPOLITAN TERRITORIES)
(Articles 22 and 35 of the Constitution)

Reports received as of 15 June 2000

The table published in the Report of the Committee of Experts, page 489, should be brought up to date in the following manner:

*Note: Paragraph numbers indicate a modification in the lists of countries mentioned in Part One (General Report) of the Report of the Committee of Experts.*

<table>
<thead>
<tr>
<th>Country</th>
<th>Reports requested</th>
<th>Reports received</th>
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</thead>
<tbody>
<tr>
<td>Denmark</td>
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<td></td>
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<tr>
<td>Greenland</td>
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<tr>
<td>- 2 reports received: Conventions Nos. 5, 105</td>
<td>2 reports received: 18 requested</td>
<td>3 reports requested</td>
</tr>
<tr>
<td>- 1 report not received: Convention No. 11</td>
<td></td>
<td></td>
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<tr>
<td>France</td>
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<tr>
<td>- 5 reports received: Conventions Nos. 8, 12, 98, 108, 111</td>
<td>109 reports received: 197 requested</td>
<td>26 reports requested</td>
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<tr>
<td>- 21 reports not received: Conventions Nos. 5, 17, 27, 29, 35, 36, 38, 42, 45, 81, 87, 89, 100, 105, 129, 136, 142, 144, 147, 149</td>
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<tr>
<td>French Guiana</td>
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<td>- 17 report received: Conventions Nos. 8, 12, 35, 36, 38, 42, 92, 98, 100, 108, 111, 129, 131, 142, 146, 149</td>
<td>38 reports requested</td>
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<tr>
<td>- 21 reports not received: Conventions Nos. 3, 5, 11, 17, 27, 29, 45, 58, 81, 87, 89, 105, 112, 120, 126, 133, 135, 136, 141, 144, 147</td>
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<tr>
<td>Guadeloupe</td>
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<td>(Paragraph 93)</td>
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<td>- 6 report received: Conventions Nos. 8, 12, 98, 108, 111, 146</td>
<td>34 reports requested</td>
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<td>Martinique</td>
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<td>(Paragraph 93)</td>
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<td>Martinique</td>
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<tr>
<td>(Paragraph 93)</td>
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<td>38 reports requested</td>
<td></td>
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<tr>
<td>- 10 reports not received: Conventions Nos. 11, 17, 42, 63, 81, 89, 105, 131, 144, 149</td>
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<td>Netherlands</td>
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<td>- All reports received: Conventions Nos. 11, 12, 17, 42, 81, 89, 105</td>
<td>18 reports received: 36 requested</td>
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<td>Netherlands Antilles</td>
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<td>7 reports requested</td>
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<td>United Kingdom</td>
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<tr>
<td>- All reports received: Conventions Nos. 11, 12, 17, 42, 59, 81, 98, 105, 150, 151, 160</td>
<td>All reports received: 82 requested</td>
<td>11 reports requested</td>
</tr>
<tr>
<td>Gibraltar</td>
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<tr>
<td>- All reports received: Conventions Nos. 11, 12, 17, 42, 59, 81, 98, 105, 150, 151, 160</td>
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<td>Grand Total</td>
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<tr>
<td>A total of 362 reports were requested, of which 240 reports (66.30 per cent) were received.</td>
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</table>

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III. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE (ARTICLE 19 OF THE CONSTITUTION)

Observations and Information

(a) Failure to submit instruments of the competent authorities

The Worker members recalled that the obligation to submit instruments to the competent authorities was a fundamental element of the standards system of the ILO. As the Committee had emphasized during the discussion of its General Survey, fulfillment of this obligation provided a basis for strengthening linkages between the ILO and national authorities, promoting the ratification of Conventions and stimulating tripartite dialogue at the national level. In its report, the Committee of Experts had specified the nature and modalities of this obligation and had insisted on the fact that submission to the competent authorities did not imply that governments had the obligation to propose the ratification of the Conventions under consideration. The Worker members also expressed concern over the considerable delay which had been accumulated by certain member States and the difficulties which were likely to arise in the process of making up this delay. The Committee should urge governments to respect this obligation and should have reminded them that they had to report the technical assistance of the ILO.

The Employer members associated themselves with the statement made by the Worker members. They referred in particular to the exposure of the Committee of Experts on the nature of the obligation to submit. This did not imply any obligation to propose the ratification of Conventions and Protocols. Moreover, they recalled that this section of the report only enumerated countries which had not provided any information that the instruments adopted by the Conference during its last seven sessions in fact had been submitted to the competent authorities. They believed that there might be some countries which had not submitted instruments for more than seven years, but which were not mentioned due to an interruption in their failure to submit instruments to the competent authorities. Finally, they observed that Seychelles was among the countries mentioned in the report for failure to submit, even though it had been the first State to ratify Convention No. 182. Noting this contradiction, they pointed out that the obligation to submit instruments to the competent authorities was in practice fairly easy to fulfil and that the countries concerned should make every effort to comply with this obligation.

A Government representative of Belize apologized for not having submitted the instruments adopted at the last seven sessions of the Conference to the competent authorities. This had been due to administrative and logistical difficulties. However, he pledged to comply with the reporting requirements in the near future. He added that his country had made progress in fulfilling its obligations, such as the submission of the reports under article 22 of the Constitution and supplying replies to the comments of the Committee of Experts.

A Government representative of Cambodia recalled that between 1970 and 1994 his country had experienced a period of war and national reconstruction following the period of the Khmer Rouge regime, during which Cambodia's relationship with the ILO had been suspended. Because of that situation, it had not been possible to submit any of the instruments adopted from the 55th to the 81st Sessions of the Conference to the competent authorities. However, in 1999 Cambodia had ratified Conventions Nos. 138 and 150. The Conventions adopted from 1995 to 1997 had been submitted to the Council of Ministers for consideration, as reported to the ILO. Regrettably, the Council of Ministers had not yet submitted those instruments to the National Assembly or the Senate. With regard to the maritime instruments, he noted that current Cambodian labour law did not cover maritime workers. The Ministry of Labour had therefore requested the Ministry of Transport to examine all instruments relating to maritime issues with a view to their submission to the Council of Ministers. So far, the Ministry of Transport had not done so. He emphasized that his country had never neglected to discharge its obligations under articles 19 and 22 of the Constitution.

With the exception of Convention No. 182, all the fundamental Conventions had been ratified. He reaffirmed his Government's commitment to discharge its obligations in this respect as soon as possible. However, ILO technical assistance was required, particularly on legal issues and to raise the awareness of the responsible officials.

A Government representative of Cameroon replied to the observations of the Committee of Experts regarding the failure to submit certain Conventions and Recommendations to the competent authorities. In general, the government noted that the submission of instruments to the competent authorities was a fundamental element in their failure to submit. This did not imply any obligation to propose the ratification of Conventions which it had ratified. He admitted that the submission of instruments to the competent authorities did not necessarily involve the ratification of Conventions. He also expressed the hope that his country would benefit from ILO technical assistance in this field and welcomed the appointment of a standards specialist in the multidisciplinary advisory team in Yaoundé, which would certainly lead to the accomplishment of considerable progress.

A Government representative of Guinea-Bissau informed the Committee that Conventions Nos. 122, 138 and 144 had been sent to the Council of Ministers for discussion and analysis. Convention No. 87 had been examined by the Council of Ministers and subsequently approved by the People's National Assembly. Ratification by the President had not been possible due to the political and military conflict in the country between June 1998 and May 1999. In 1999, despite the efforts made, it had not been possible to complete ratification as a result of the holding of democratic elections and the greater priority of establishing a new government. He highlighted the difficulty of having to translate the documents and, in this connection, expressed his gratitude for the collaboration provided by the Ministry of Solidarity and Labour of Portugal. He stated that his country was committed to endeavouring to fulfil its obligations.

The representative of the Secretary-General provided a summary of a letter from the Permanent Representative of the Republic of Haiti to the United Nations, in which he requested the Committee to excuse the absence of a Government representative; this was due to the fact that Haiti did not have registered delegates. The Government of Haiti intended to immediately launch the process of submission to the competent authorities and of supplying reports on the unratified Conventions and Recommendations. In order to do so, it would request the technical assistance of the ILO.

A Government representative of Honduras stated that his Government, through the Ministry of Labour and Social Security, had established a technical team to analyse and study Conventions and Recommendations. In general, the Ministry sent the instruments to Congress for their examination and subsequent ratification. Regarding the failure to submit instruments to the competent authorities, he said that his Government had begun a process of study and analysis with a view to fulfilling its obligations. In this connection, he requested the technical assistance of the ILO.

A Government representative of Mali stated that his Government wished to reaffirm its commitment to the goals and principles of the ILO and was particularly eager to comply with its constitutional obligations. Since the last session of the Conference, and with the technical assistance of a standards specialist of the Dakar multidisciplinary advisory team, all the measures had been taken for the submission of the instruments in question to the competent authorities. The Labour Department had recently informed the ILO of the steps which had been taken and the instruments which had been adopted at the 79th, 80th and 81st Sessions of the Conference to the competent authorities. The Government
...benefit from the technical cooperation of the ILO, especially in the field of training those in charge of standards issues. Finally, he informed the Committee that the instruments which had been adopted at the 87th Session of the Conference had been submitted to the National Assembly with a view to their ratification.

A Government representative of Sao Tome and Principe referred to his previous statement and emphasized the need for assistance in technical, legal, and linguistic training in order to fulfill his country's obligations to the ILO. He stated that although his country was poor and was passing through a situation that was difficult in various ways, it was aware of its obligations and intended to respect them.

A Government representative of Senegal submitted that Senegal was behind in submitting the instruments adopted from the 79th to the 85th Sessions of the Conference. This was an exceptional situation. This was the first time since it had become a Member of the ILO in 1960 that Senegal had been called upon to supply information to the Committee on the Application of Standards as a result of a failure to submit. Senegal was deeply committed to the aims and objectives of the ILO and had always considered it a point of honour to fulfill all of its constitutional obligations and to give full effect to all ratified Conventions. To date, Senegal had ratified 36 Conventions, including the eight Fundamental Conventions. The failures noted were therefore not a result of any bad intentions or instenitiveness by the Government. They were a result of a certain rigidity in the interaction between the executive and the legislative authorities and above all structural and organizational weaknesses within the Ministry of Labour. In spite of its failure to submit the instruments adopted since 1992, the Government had ratified three Conventions over the two preceding years. He recognized that while the Government had not submitted these instruments to Parliament, there was a lack of vigilance and follow-up of the instruments for submission on the part of the Ministry of Labour, which was confronted with a series of organizational, material and human problems. This situation had caused the Government in 1998 to seek the assistance of the ILO with a view to reinforcing the capacity of the Ministry. The ILO Office in Dakar had recently organized a sub-regional seminar on standards with the participation of four representatives of the Ministry of Labour. Since then, the Government had sought to make the delays incurred in relation to submission. At present, all the files for submission had been prepared and were on the verge of being transmitted to the President of the Republic, who had the sole competence to submit them to Parliament. He expressed regret at the situation, but relied on the understanding and indulgence of the Committee while his Government sought to complete the reforms it had embarked upon.

A Government representative of the Seychelles recalled that his country had made significant progress since becoming a Member of the ILO in 1970. In fulfilling its reporting obligations, he reported that in addition to the ratification of Convention No. 138, his country had now joined the ranks of those which had ratified all eight Fundamental Conventions. With regard to the obligation to submit instruments adopted by the Conference, he explained that his country, as a very small Island State with very limited human resources, his country had only a limited capacity to fulfill all of its obligations within the specified period. The difficulties were compounded by the limited numbers of qualified personnel. He said that his country would seek the assistance of the ILO to help it meet its obligations to submit instruments to the competent authorities. He also called for further technical assistance in relation to the submission of instruments to the competent authorities.

A Government representative of the Syrian Arab Republic referred to the action taken by his Government and the continued dialogue with the Council of Ministers concerning the need to submit instruments adopted by the Conference to the People's Assembly. He explained that the tripartite partners were consulted concerning recommendations for the ratification of Conventions. However, the ratification process had been delayed pending amendment of the national legislation. Under article 71 of the Constitution of the Syrian Arab Republic and section 70 of the Statute of the People's Assembly, the Syrian Arab Republic was the competent authority for the ratification of international labour Conventions. Therefore, the ratification of international labour Conventions, which had been agreed at the General Assembly of the United Nations and the International Labour Conference of 2000, at a meeting between the Minister of Social and Labour Affairs, the Office of the Prime Minister and other partners, it had been agreed that the outstanding instruments would be submitted to the People's Assembly by means of a Bill of Ratification. This action confirmed his country's commitment to fulfill its obligations under the ILO Constitution and its agreement to submit all instruments adopted by the Conference to the People's Assembly after due examination by all the relevant authorities. A Government representative of Yemen informed the Committee that the instruments adopted by the Conference could only be submitted to the People's Assembly by means of a Bill of Ratification. The difficulty therefore arose that Conventions which were not being recommended for ratification could not be submitted to the legal authorities. Advice had been sought from the ILO with a view to overcoming this problem, which had given rise to the delay in submitting international labour standards to the competent authorities.

The Committee noted the information supplied and explanations given by the Government representatives and by other speakers who took the floor. It also noted the specific difficulties encountered in complying with this obligation, mentioned by various speakers. Lastly, it took due note of the commitments made by several Government representatives to comply with their constitutional obligation to submit Conventions and Recommendations to the competent authorities in the shortest possible time. The Committee expressed the firm hope that the countries concerned, namely, Afghanistan, Bangladesh, Benin, Bolivia, Burundi, Cameroon, Central African Republic, Comoros, Congo, Guinea-Bissau, Haiti, Honduras, Kyrgyzstan, Mali, Saint Lucia, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic and Yemen, would, in the near future, send reports containing information relating to the submission of Conventions and Recommendations to the competent authorities. Delays and failures to submit and the increase in the number of such cases were of great concern to the Committee because these were obligations enshrined in the Constitution and were essential to the effectiveness of standard-setting activities. In this connection, the Committee reiterated that the ILO could provide technical assistance to help comply with this obligation. The Committee decided to mention all these cases in the appropriate section of its General Report.

(b) Information received

Benin. The Government has indicated that the instruments adopted by the Conference at its 78th, 79th, 80th, 82nd, 83rd, 84th and 85th Session have been submitted to the National Assembly by Decree No. 98-570 of 18 November 1998.

Papua New Guinea. The Government reported that, on 12 April 2000, notice was brought in Parliament of the texts of the seven international labour Conventions that the National Executive Council approved for ratification and of the instruments adopted from the 66th to the 87th Sessions of the International Labour Conference.

Swaziland. The Government reported that the instruments adopted by the Conference at its 78th, 79th, 80th, 81st, 82nd and 83rd Sessions were submitted to Parliament on 18 October 1999.
Recommendations for the past five years

Yaounde. The situation would certainly improve as a result of the failures noted by the Committee of Experts. Further, they stressed that the failures to submit noted were not caused by chance, since the same failures had occurred over the past five years. The statements had not supplied many new details regarding these failures. The Committee should urge governments to respect fully this obligation deriving from the Constitution of the ILO, to enable the Committee of Experts to prepare complete General Surveys. The Employer members fully agreed with the remarks made by the Worker members. They pointed out that according to the General Report, it appeared that only 52 per cent of the reports requested had been received. They recalled that these reports provided very important information and questioned why governments would be reluctant to send such reports; they could not face criticism, since they had not ratified the Conventions. They emphasized that if a large number of reports were received they provided a more realistic picture. They considered that the failure to submit such reports was serious and should be mentioned in the report of the Committee of Experts.

A Government representative of Algeria recalled that his Government had ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in 1993. It had submitted the first report on the application of this Convention in 1997 and a second report in 1999. Algeria had also fulfilled its obligations by submitting several other reports in response to requests from the ILO. It was true, however, that some of these reports had been submitted after the last meeting of the Committee of Experts. Furthermore, the procedure for the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), had been commenced. Algeria had made every effort to honour its obligations towards the ILO, particularly in previous years. The failures noted by the Committee of Experts were rather embarrassing for his Government, as they did not reflect the efforts it had made. The situation would be examined in order to determine the causes of these failures. Algeria attached the greatest importance to rigorous compliance with its international obligations and would endeavour to ensure that this uncomfortable and regrettable situation did not recur in the future.

A Government representative of Bosnia and Herzegovina noted that the clarifications which she had provided also applied to the question under discussion. A Government representative of Burundi stated that for the last five years his Government had not been able to produce any reports on the unratified Conventions because of the crisis that the country had been experiencing since 1993 and the embargo which had been imposed on it from 1996 to 1999. Another constraint was related to the shortage of skills in the country and the absence of a standards specialist in the multidisciplinary advisory team in Yaoundé. The situation would certainly improve as a result of the recent appointment of a standards specialist and the participation of a representative from Burundi in the annual training course on international labour standards which had just taken place. He expressed the hope that his Government would fulfil its obligations in this field before the next sessions of the Conventions. He also re-emphasized that the request for submission of reports on unratified Conventions had been received rather late and that his Government had been able to transmit its report on 3 May 2000. He therefore hoped that, in the future, requests would be received at an earlier date to enable the Government to react in time.

A Government representative of Georgia stressed that his country was making every effort to respect its international obligations, but that his Government was currently going through a process of reorganization. He indicated that the officials dealing with these reports did not have the necessary skills and mentioned that working groups had to be created in this respect. He hoped that these working groups could receive technical assistance from the ILO. A Government representative of Liberia indicated that in the past two years his country had tried to submit the requested reports and had made great efforts to reply to all the observations formulated by the Committee of Experts. The Ministry of Labour had asked for technical assistance from the ILO multidisciplinary advisory team in Dakar and as soon as they came to Liberia, the reports would be supplied.

A Government representative of the Libyan Arab Jamahiriya indicated that a large number of instruments had been submitted to the competent authorities of his country for ratification. In this regard, he enumerated several Conventions and pointed out that the Worst Forms of Child Labour Convention, 1999 (No. 182), had been submitted to the competent authorities in 1999. He stressed that, due to the great number of Conventions, his country needed to devote more time and effort to this process. Finally, he emphasized that, due to the number and frequency at which ILO Conventions and Recommendations were being produced, it was difficult to submit regular reports on unratified Conventions and Recommendations, since his country put most of its efforts into reporting on ratified instruments. Finally, he indicated that his country had not received a positive answer when it requested technical assistance from the ILO multidisciplinary advisory teams in South Africa and Zimbabwe. He looked forward to complying with the demands of the Committee in the future, provided the ILO helped with the necessary training, as requested.

A Government representative of Malawi indicated that there were several reasons why his country had failed to submit the reports required under article 19. Firstly, his country had emerged from a dictatorial regime which had no democratic structures for tripartite cooperation and social dialogue. A tripartite labour advisory council had been established in September 1998 and it was largely involved in the ratification of fundamental Conventions. Secondly, the Ministry of Labour had lost most of the officials trained in the preparation of reports on the ILO Conventions through retirement and resignations, and it was proving difficult to replace them without proper training. Thirdly, due to the number and frequency at which ILO Conventions and Recommendations were being produced, it was difficult to submit regular reports on unratified Conventions and Recommendations, since his country put most of its efforts into reporting on ratified instruments. Finally, he indicated that his country had not received a positive answer when it requested technical assistance from the ILO multidisciplinary advisory teams in South Africa and Zimbabwe. He looked forward to complying with the demands of the Committee in the future, provided the ILO helped with the necessary training, as requested.

A Government representative of Malawi stated that his government had prepared and submitted all the reports requested, and that he would deposit at the ILO copies of all the reports that had been drawn up. It seemed, however, as though the communications between his country and the ILO had been disturbed recently. He further remarked that the request for submission of reports on non-ratified Conventions had been received rather late and that his Government had been able to transmit its report on 3 May 2000. He therefore hoped that, in the future, requests would be received at an earlier date to enable the Government to react in time.

The Worker members recalled that under article 19 of the Constitution member States had to report on unratified Conventions and Recommendations. These reports served as the basis for the drafting of the General Surveys and provided an overview of the obstacles to ratification. The Employers indicated that the request for submission of reports on non-ratified Conventions had been received rather late and that his Government had been able to transmit its report on 3 May 2000. He therefore hoped that, in the future, requests would be received at an earlier date to enable the Government to react in time. The Worker members once again fully endorsed the statement made by the Worker members. They noted that many requests had been made for ILO technical assistance in order to train
government civil servants responsible for supplying the reports. In this regard, they expressed their concern that the ILO should invest most of its resources in normal training activities and not in training government bureaucrats.

The Committee noted the information and explanations supplied by Government representatives and other speakers. The Committee emphasized the importance it attached to the constitutional obligation to send reports on unratified Conventions and Recommendations. In fact, these reports made possible a better evaluation of the situation within the context of the General Surveys of the Committee of Experts. The Committee insisted that all member States should fulfil their obligations in this respect and expressed the firm hope that the Governments of Afghanistan, Algeria, Armenia, Bosnia and Herzegovina, Burundi, Comoros, Djibouti, Equatorial Guinea, Fiji, Georgia, Grenada, Haiti, Liberia, Libyan Arab Jamahiriya, Malawi, Republic of Moldova, Nigeria, Rwanda, Saint Lucia, Solomon Islands, Somalia, The former Yugoslav Republic of Macedonia and Turkmenistan would fulfil their obligations under article 19 of the Constitution of the ILO in the future. The Committee decided to mention these cases in the appropriate section of its General Report.

(b) Reports received on unratified Convention No. 144 and on Recommendation No. 152 as of 15 June 2000

In addition to the reports listed in Appendix E on page 99 of the Report of the Committee of Experts (Report III, Part 1B), reports have subsequently been received from the following countries:

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Sixth item on the agenda: Safety and health in agriculture

Report of the Committee on Safety and Health in Agriculture

1. The Committee on Safety and Health in Agriculture was set up by the International Labour Conference at its first sitting on 30 May 2000. The Committee was originally composed of 157 members (78 Government members, 29 Employer members and 50 Worker members). To achieve equality of voting strength each Government member having the right to vote was allotted 725 votes, each Employer member 1,950 votes, and each Worker member 1,131 votes. The composition of the Committee was modified several times during the session and the number of votes attributed to each member was adjusted accordingly.¹

¹ The modifications were as follows:

(a) 31 May: 157 members (78 Governments entitled to vote with 725 votes each, 29 Employer members with 1,950 votes each and 50 Worker members with 1,131 votes each);
(b) 1 June: 164 members (79 Governments entitled to vote with 330 votes each, 30 Employer members with 869 votes each and 55 Worker members with 474 votes each);
(c) 2 June: 155 members (82 Governments entitled to vote with 621 votes each, 27 Employer members with 1,886 votes each and 46 Worker members with 1,107 votes each);
(d) 3 June: 144 members (83 Governments entitled to vote with 918 votes each, 27 Employer members with 2,822 votes each and 34 Worker members with 2,241 votes each);
(e) 5 June: 142 members (83 Governments entitled to vote with 864 votes each, 27 Employer members with 2,656 votes each and 32 Worker members with 2,241 votes each);
(f) 6 June: 142 members (84 Governments entitled to vote with 104 votes each, 26 Employer members with 336 votes each and 32 Worker members with 273 votes each);
(g) 7 June: 140 members (84 Governments entitled to vote with 65 votes each, 26 Employer members with 210 votes each and 30 Worker members with 182 votes each);
(h) 8 June: 138 members (83 Governments entitled to vote with 150 votes each, 25 Employer members with 498 votes each and 30 Worker members with 415 votes each);
(i) 9 June: 132 members (83 Governments entitled to vote with 84 votes each, 21 Employer members with 332 votes each and 28 Worker members with 249 votes each);
(j) 13 June: 127 members (83 Governments entitled to vote with 483 votes each, 21 Employer members with 1,909 votes each and 23 Worker members with 1,743 votes each).
2. The Committee elected its Officers as follows:

Chairperson: Mr. A.A. George (Government member, Nigeria).

Vice-Chairpersons: Mr. T. Makeka (Employer member, Lesotho) and Mr. L. Trotman (Worker member, Barbados).

Reporter: Mr. A.B. Che’Man (Government member, Malaysia).

3. At its fifth sitting, the Committee appointed a Drafting Committee composed of the following members: Mr. G. Walker (Government member, United Kingdom), Ms. J. Steams (Employer member, United States), Mr. L. Trotman (Worker member, Barbados) and the Reporter of the Committee, Mr. A.B. Bin Che’Man (Government member, Malaysia).

4. The Committee had before it Reports VI(1) and VI(2) prepared by the Office for a first discussion of the sixth item on the agenda: “Safety and health in agriculture”. The Proposed Conclusions submitted by the Office were contained in Report VI(2).

5. The Committee held 16 sittings.

Introduction

6. The representative of the Secretary-General, Dr. Jukka Takala, welcomed the delegates, opened the first sitting of the Committee on Safety and Health in Agriculture and proceeded with the election of the Chairperson. The item of safety and health in agriculture had been put on the agenda of the 88th Session of the International Labour Conference, with a view to the adoption of new international labour standards to set a framework within which national policies on occupational safety and health in agriculture could be developed. In order to guarantee sustainable agricultural development, it was crucial to ensure an adequate balance between agricultural growth, environmental concerns and agricultural workers’ access to acceptable working and living conditions. The comprehensive framework aimed at would be based on the general approach provided by the Occupational Safety and Health Convention, 1981 (No. 155), and would be consistent with the aims of the ILO’s new policy of Decent Work.

7. Safety and health in agriculture had been a major concern of the ILO since its foundation, as witnessed by some of its early Conventions. The protection of agricultural workers against injury and disease at work had been addressed in a series of preventive and promotional activities, and by the sectoral committees concerned with both agriculture and forestry. Technical cooperation projects to improve the safety and health of agricultural workers in developing countries had been carried out, and publications, guidelines and a code of practice on forestry work produced. The ILO’s International Occupational Safety and Health Information Centre (CIS) contained an extensive collection concerning agriculture.

8. The Office had continued its promotional activities aimed at the ratification of the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Health Services Convention, 1985 (No. 161) and the Chemicals Convention, 1990 (No. 170). The Committee of Experts on the Application of Conventions and Recommendations had continued to seek to ensure the application of relevant instruments, such as the Plantations Convention, 1958 and Protocol, 1982 (No. 110), the Guarding of Machinery
Convention, 1963 (No. 119), and the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148).

9. Agriculture was one of the three most hazardous sectors of activity worldwide, together with mining and construction. While international standards and up-to-date codes of practice existed for the last two, there was no international standard dealing comprehensively with the safety and health of workers in agriculture. Successful completion of the Committee's work would lead to adoption by the Conference of new international standards to protect agricultural workers.

General discussion

10. The representative of the Secretary-General presented the two reports prepared by the Office and briefly described the general situation in agricultural workplaces. He recalled that the agricultural sector employed half of the world's labour force, with an estimated 1.3 billion workers active in agricultural production. Agricultural activities ranged from small farms using traditional manual methods to very large, highly mechanized or labour-intensive agro-industries, but most agricultural workers were small-scale farmers in developing countries. Agriculture's rank as one of the three most hazardous sectors applied to both industrialized and developing countries. The ILO estimated that out of 335,000 work-related fatal accidents per annum in all sectors, at least 170,000 concerned agricultural workers, who run twice the risk of dying from accidents on the job as workers in other sectors. Moreover, work-related diseases often proved fatal. Millions of agricultural workers suffered serious workplace accidents and there was widespread under-reporting of death, injuries and occupational diseases in agriculture. Many agricultural workers were excluded from national labour laws, employment injury benefits or insurance schemes, or suffered from the sporadic application or poor enforcement of the law.

11. He pointed out that the ILO worked closely with other international organizations such as the World Health Organization (WHO) and the Food and Agriculture Organization of the UN (FAO), with the latter through the Working Group on Sustainable Agriculture and Rural Development of the UN Commission on Sustainable Development; and with other UN Agencies within the framework of the International Programme on Chemical Safety (IPCS).

12. Recalling that the principles set out in other international standards were an important basis for national and enterprise-level action, he referred to the Occupational Safety and Health Convention and Recommendation, 1981 (No. 155 and No. 164), which provided for active participation of employers and workers in the establishment of comprehensive national policies and enterprise-level action; the Occupational Health Services Convention and Recommendation, 1985 (No. 161 and No. 171), which provided for the development of occupational health services to implement such policies and enterprise-level programmes; and the Convention and Recommendation on Safety in the Use of Chemicals at Work, 1990 (No. 170 and No. 177), which contributed to the protection of workers in agriculture, their families, the general public and the environment with respect to the significant use of chemicals in this sector.

13. The decision by the Governing Body in March 1998 to place the question of safety and health in agriculture on the agenda of this Session of the International Labour Conference had been taken in order to address areas specific to agriculture in which existing instruments were insufficient; to consolidate existing standards; and because of universal recognition that agriculture was one of the most hazardous occupations. The Proposed
Conclusions with a view to a Convention and a Recommendation in Report VI(2) were based on replies received to the questionnaire contained in Report VI(1). At the time Report VI(2) was drawn up, replies had been received from 85 member States. Seventeen other replies were received too late to be incorporated in the second report. Ninety-nine of the total 102 replies supported the development of international instruments on safety and health in agriculture; should instruments be adopted, 73 favoured a Convention supported by a Recommendation; 12 favoured a Convention only; and 16 favoured a Recommendation only (one responder expressed no preference).

14. On the question of retaining general principles as the basis for a Convention, the representative of the Secretary-General recalled that in discussions on safety and health standards at previous International Labour Conferences it had repeatedly been pointed out that excessive details in a proposed Convention could create barriers to ratification. However, in view of the fact that in the field of safety and health in agriculture only a limited number of countries had enough supporting standards, complementary guidelines and codes of practice, the proposed Convention should provide general policy guidance drafted in sufficiently specific terms to promote the development of adequate minimum standards for particular agricultural hazards, including rights and obligations, in countries where the legal framework was inadequate or non-existent. As Conventions were only binding after ratification, it was important to aim at a high level of ratification.

15. He discouraged the Committee from making extensive use of the phrase “as far as is reasonably practicable” or its variations, because related deliberations and legal advice of previous Conferences had indicated that the addition of this phrase was neither necessary nor appropriate. Definitions not included in the list on pages 7 and 8 of the English version of Report VI(2) had the same meaning as that given to them in other international labour standards or the one conventionally assigned to them in an agricultural context.

16. The Employer Vice-Chairperson congratulated the Chairperson and the Worker Vice-Chairperson on their election and pledged his support and cooperation. He stressed the importance the Employers attached to a safe and healthy working environment in agriculture and underlined their support for related efforts at national and international levels. However, concern for the workers in question should not result in onerous obligations for employers, which could render agricultural activities unviable and difficult to afford. Whereas agricultural workers, as all other workers, had the right to protection under the law, lack of statistical information on occupational accidents and diseases, especially in developing countries, made evaluation of the problem difficult. Farming activities varied from country to country, depending on the level of their development. In developing countries, farming was often carried out by families on smallholdings on a subsistence basis. Although agriculture was crucial to the economic activities of many countries, often it was not economically viable and had to be subsidized. As a result, many countries were net importers of food.

17. If indeed workers in agriculture lacked protection, was it that national laws did not exist, or needed revision, or were poorly enforced? Admittedly, the situation in many countries needed improvement particularly in view of the pace of innovation and the emergence of new technologies. On the other hand, the extent of pesticide exposure could be changing with the trend toward organic farming. All these developments made him wonder whether the ILO would not be better advised to respond to the problem of safety and health in agriculture through technical cooperation and assistance, rather than by developing a new international instrument.

18. The Employers’ group was not in favour of adopting a new instrument, and certainly not a new Convention. The ILO already possessed three Conventions, the Occupational Safety
and Health Convention, 1981 (No. 155), the Chemicals Convention, 1990 (No. 170) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), which should have adequately addressed the problem of safety and health in the agricultural sector. However, it seemed that no serious efforts had been made to identify the shortcomings or loopholes of these instruments. Therefore, the Office should review these Conventions and update them, if necessary, rather than developing another international instrument, especially in view of the fact that it was the obligations embodied in these Conventions which had rendered them difficult to ratify. Moreover, the Office should undertake a serious effort to promote the ratification of these instruments.

19. It had repeatedly been stated that the Employers were not in favour of sector-specific Conventions because they required more protection for the worker concerned than was enjoyed by workers in general. The Proposed Conclusions with a view to a Convention before the Committee also fell in this category because besides incorporating the provisions of previous Conventions they added new ones which were onerous for employers, such as the provision of housing, high age limitations or mandatory insurance. Moreover, the proposed Convention included many issues not specific to agriculture, such as environmental questions.

20. The ILO had many possibilities to improve the safety and health of agricultural workers. It could adopt guidelines or codes of practice, as it had done concerning safety and health in forestry work. The Employers would gladly cooperate in these matters, and were prepared to examine the option of a Recommendation, rather than assist in the development of a Convention.

21. The Worker Vice-Chairperson congratulated the Chairperson and the Employer Vice-Chairperson on their election and pledged the support and cooperation of the Workers' group for the task ahead. Recalling the ILO's mission to protect workers, especially agricultural workers in the present context, he thanked the relevant Governments and Employers' group of the Governing Body for their support in ensuring that this important subject was placed on the agenda of the Conference.

22. The Worker Vice-Chairperson emphasized that whilst ratifications of Conventions were important, they were not the sole measure of the importance of an ILO instrument. The Workers' group did not accept the argument that sector-specific Conventions effectively improved conditions only for workers in those sectors, to the detriment of other workers. For the intellectual aspect of that argument to be addressed, the past and present impact of the various ILO instruments needed to be measured. There were many examples of countries patterning their own legislation on ILO standards, without ever ratifying them. On the procedural aspect of the argument, he reminded delegates that they were functioning under a system of delegated authority. The International Labour Conference delegated to the Governing Body which acted on behalf of the Conference. Thus a Governing Body decision that a debate be held on a given subject should be respected. The strength of the arguments presented during the debate would alone determine the outcome.

23. The reason for placing this subject on the agenda of the Conference was the need to correct the previous failure to protect what amounts to half the world's labour force. Agricultural workers provided our most basic need, food, yet their own needs as human beings had not been met. The Worker Vice-Chairperson outlined joint initiatives by employers and workers, and also non-governmental organizations, to begin addressing the needs of agricultural workers, notably with the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). It was possible to demonstrate to employers that investment in the safety and health of their workers would benefit them through cost savings, as well as the whole community in the long run. This
approach had led to significant worker/employer cooperation over the past 20 years, especially in the manufacturing industry, the most emphatic example of this being in the practice of social dialogue in bipartite safety committees. Such committees existed for dockworkers, construction workers and miners, so why not for agricultural workers?

24. In all countries there were cases of unemployed persons preferring unemployment to working in agriculture, not just because of the low wages in that sector, but because of the poor working conditions. There could be no lasting peace so long as the providers of food were not themselves provided for. It was up to the ILO to broker this peace, the starting points being the promotion of minimum standards for agricultural workers, and their right to decent work. Action now would help improve global productivity and reduce wastage in the time, energy and cost of treating the injured and training new entrants, as well as in the drain on national social security systems and international charitable organizations. Child labour and the advancement of the status of women had been the focus of recent attention by the ILO, and it was fitting that their needs should also be addressed now, given the massive presence of women and children in agriculture.

25. In conclusion, the Worker Vice-Chairperson stated that the proposed instrument should also seek to protect workers and consumers from the danger of genetically modified produce; and that there should be legally empowered safety and health representatives appointed by trade unions and operating preferably in roving inspection teams. He expressed the support of the Workers’ group for the notion of sustainable agriculture: the increase in yields would satisfy the investment of the employer, but care had to be taken not to harm the environment for future generations.

26. The Government member of Canada welcomed this opportunity to discuss safety and health matters in agriculture, which was recognized as a high-risk sector where the safety of millions of people was at stake. Her Government considered this debate should contribute to the ILO’s goal of decent work for all, specifically for workers in the agricultural sector (and their dependants), who deserved the same protection as workers in other sectors. The Government of Canada hoped that the outcome of the Committee’s deliberations would be practical, realistic and immediately applicable instruments.

27. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, expressed appreciation of the fact that proposals for a Convention and a Recommendation on health and safety in agriculture were on the Conference agenda. The Proposed Conclusions were a good starting-point for the debate, though some points would require further discussion to ensure that the final text attracted the widest possible consensus.

28. The Government member of New Zealand expressed her Government’s support for positive measures to improve the health and safety of agricultural workers, and stated that it expected any new ILO instruments to meet three criteria: they should be able to accommodate a variety of national circumstances whilst promoting universal principles; they should focus on results, whatever the national policy and practice; and they should be applicable widely. Whilst the proposed instruments met the first two of these criteria, her Government considered they failed to meet the third. The Government of New Zealand preferred the proposal of “framework” Conventions as outlined in the Director-General’s report Decent Work in 1999, considering that an overarching approach would cover the essential principles of safety and health in workplaces everywhere. New circumstances could be met by supplementing this framework Convention with more specific instruments, such as codes of practice. The Government of New Zealand regretted the absence of proposals on new methods of standard setting and announced its intention to take no further part in the discussion.
29. The Government member of Brazil welcomed the inclusion of this subject on the Conference's agenda, and explained that in his country 2000 had been declared the year of safety and health in agriculture. He described measures taken, or planned, to guarantee better conditions for agricultural workers. These measures focused particularly on inspection of safety and health conditions; the development of regulations concerning agricultural activities; and national awareness-raising campaigns, with ILO support, for the prevention of the hazards involved in agricultural work.

30. The Government member of Australia stated that his Government supported the conduct of a comprehensive review of the ILO's normative activities, in particular of standard-setting: whilst the latter process had served well so far, it had also resulted in duplication and overlapping between standards, and even in inconsistencies between instruments. Recalling the 19 separate Conventions on occupational safety and health, many of which had a poor ratification record, and given that the Governing Body was starting to consider undertaking such a comprehensive review the aim of which was to establish a framework against which to assess all proposals for new standards, the Government of Australia considered that discussion of the development of any new instrument (not necessarily relating only to agriculture) was premature. The Government of Australia believed that priority should be given to the establishment of a firm foundation for the review and modernization of the ILO's existing instruments, not to the adoption of a Convention or a Recommendation on safety and health in agriculture.

31. The Government member of Finland expressed general support for the position adopted by Governments of Member States of the European Union, and stressed the importance of discussion on forest work; self-employed workers in agriculture; the development of forms of authorization for drivers of agricultural machinery; the issue of a minimum age for young workers in agriculture; and the question of free accommodation.

32. The Government member of China observed that humankind is threatened by disasters both natural and man-made. Natural disasters could not be prevented but the others could. The loss of life and health in agriculture was a man-made disaster, and he welcomed the ILO's initiative in combating it. His Government considered it more practical to adopt a framework instrument which would leave governments to address detailed issues after consultation with employers and workers. But the ILO should consider the economic imbalances in different countries and between sectors. In his country, whereas wage earners were already protected by working standards, self-employed agricultural workers were not and their safety and health should be ensured. Whilst his Government considered that safety and prevention were the cornerstones of enterprise development, poor educational levels and a lack of safety awareness rendered it difficult for the Government of China to reach the standards in the proposed instruments in a short time. For this reason, it favoured a Recommendation setting achievable standards.

33. The Government member of Lebanon pointed out that Lebanon, which had joined the international organizations at an early stage, had always respected human rights and the international Conventions it had ratified. It had attached importance to the protection of agricultural workers since the 1930s and adopted laws concerning them. After the civil war, a commission had been set up with the aim of preparing the basis for measures to protect workers. This commission had prepared studies of the environmental dangers of agricultural practices and the effects on the country's vegetation and fauna. Some of the concerns raised by this commission had been incorporated in the Proposed Conclusions with a view to a Convention. He supported the adoption of a flexible Convention.

34. The Government member of Japan recalled that half of the world's labour force was engaged in agriculture, which was the key economic sector in many developing countries.
In view of the occupational safety and health problems resulting from the use of chemicals, the introduction of machinery, and environmental hazards, the protection of these workers should be promoted through the adoption of international instruments. However, for these instruments to be effective, they had to be ratified by many member States, including developing countries. Considering the significant degree of difference between forms of agricultural production and the circumstances in which it is carried out in the various countries, the standards to be adopted should be basic and flexible.

35. The Government member of Zimbabwe observed that the problems experienced by agricultural workers called for action, especially in situations where 70 per cent of all workers were engaged in that sector. Whilst not wishing to argue whether the adoption of a new instrument or the revision of the existing ones would provide a better solution, she reminded the Committee that Conventions applying to all workers did not necessarily respond to the needs of agricultural workers. In this sector, women, children and even unborn babies were exposed to pesticides and other harmful agents. As a result, pregnant women were subject to abortions, or their children to premature birth and physical or developmental disorders. It was therefore in the interest of Zimbabwe's rural population that the work of the Committee be successful.

36. The Government member of the United States endorsed those interventions which had called attention to the high rate of injury, illness and death among agricultural workers. Consequently he indicated interest in identifying those causes which had not been taken into account by other international instruments, and in providing basic protection to all workers. The Government of the United States supported the adoption of an effective, targeted Convention, which was designed to ensure core protection to agricultural workers. It promoted the adoption of a flexible convention, which would receive broad consensus and the widest possible ratification, including that of the United States. Such a Convention would have to be compatible with all relevant existing Conventions.

37. The Government member of Slovakia reported that whereas the number of occupational injuries in Slovakia decreased every year, the agriculture and forestry sectors showed, together with three other branches of the economy, very high injury rates. Although in 1999 only 5.4 per cent of all Slovak workers had been engaged in agriculture, their share of work-related injuries had reached 16 per cent. The number of fatal accidents and absences due to occupational injuries had also been disproportionally high. In 1999, the State Health Supervision had recorded 175 occupational diseases in the fields of agriculture and forestry. Most had been caused by transmissible animal diseases, vibration and permanent one-sided load. The insufficiencies identified by labour inspectors in the agricultural sector represented 11 per cent of the total. These facts, together with the special working conditions due to geography or weather and the lower level of education of workers demanded special attention to the safety and health problems of agricultural workers. Though the Slovak Republic had ratified Convention No. 155, the Government supported the adoption of new international labour standards which aimed at raising protection levels in agriculture.

38. The representative of the Ibero-American Confederation of Labour Inspectors stated her agreement with the adoption of a specific instrument for the agricultural sector and acknowledged the value of international instruments as guidelines for the activities of labour inspectors, even if the instruments had not been ratified. She endorsed the statement of the Worker Vice-Chairperson, in which he had called attention to human rights abuses, working conditions akin to those of slavery, child labour and occupational accidents in agriculture.
Examination of the Proposed Conclusions contained in Report VI(2)

A. Form of the international instruments

Point 1

39. An amendment by the Employer members to change the wording of Point 1 in three places was discussed step by step. First, a proposal to replace the words "international standards" by the words "an international labour standard" on the grounds that a Recommendation alone would effectively protect the safety and health of agricultural workers, in view of the existence of the Occupational Safety and Health Convention, 1981 (No. 155), whereas a Convention supplemented by a Recommendation would be futile for lack of ratification, was opposed by the Worker members and several Government members. The Worker Vice-Chairperson asserted that a Convention was necessary to give effect to the tripartite consensus that workers in agriculture needed protection more than workers in any other sector; questions about the number of Conventions should be raised elsewhere. The Government member of Zimbabwe, speaking on behalf of an African group consisting of the Government members of Botswana, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa, Zambia and Zimbabwe, stressed the central importance of agriculture in many African economies, which made them favour a Convention supplemented by a Recommendation. This position was supported by the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, and by the Government member of Brazil, and the first part of the amendment was withdrawn.

40. The second proposal, to replace the word "all" in "all workers in agriculture" with "these" because the use of "all" implied that some agricultural workers might be excluded under some circumstances, was referred to the Drafting Committee, with due consideration to be given to removing "all" from similar contexts elsewhere in the proposed instruments.

41. The third part of the Employer members' amendment would have replaced the words "in agriculture enjoy safety and health protection that is equivalent to that provided to workers in the other sectors of the economy" by the words "enjoy adequate safety and health protection". This the Employer Vice-Chairperson held to make a stronger statement. The Worker Vice-Chairperson felt that "adequate" would make the level of protection dependent on circumstances and would not guarantee that workers in agriculture were as well protected as those in other sectors. The Government member of Hungary also expressed reservations about "adequate", but pointed out that relating the protection afforded to agricultural workers to other sectors of the economy would not be advantageous if conditions in those other sectors were poor. The Government member of Argentina suggested modifying the wording to refer to the best level of protection in other sectors, but after the Government members of the Committee Member States of the European Union, speaking through the Government member of Portugal, opposed all three parts of the original amendment, it was withdrawn.

42. Point 1 was adopted without amendment.

Point 2

43. The Employer members submitted an amendment to replace the words "these standards" by "this standard" and delete the words "a Convention supplemented by", to leave the statement "this standard should take the form of a Recommendation". The Employer Vice-Chairperson cited the fact that the forestry sector had been the object only of a
Recommendation, in spite of its highly hazardous nature, and reminded the Committee that the Governing Body’s review of the ILO’s normative activities had cast doubt on the relevance of sector-specific Conventions. The Worker members acknowledged the sincerity of the Employers’ desire to ensure the safety and health of agricultural workers, but maintained the importance of a Convention; forestry was not as hazardous as agriculture, and the adoption of a Convention would express the ILO’s moral commitment to maximum protection for workers in the latter sector. The Government members of Bahrain, Côte d’Ivoire, Sri Lanka, the African group and the Government members of the Committee Member States of the European Union all expressed support for a Convention supplemented by a Recommendation. Wishing as a matter of principle to document the Government members’ commitment to a Convention, the Employer members called for a record vote. Put to a vote, the amendment was rejected by 26,400 votes in favour, 46,386 votes against, with 474 abstentions. (These results are corrected for the erroneous inclusion in the original tally of one absent country.)

44. Point 2 was adopted without amendment.

B. Proposed Conclusions with a view to a Convention and a Recommendation

Preamble

Point 3

45. The Employer members submitted an amendment with three changes of wording in paragraph 3(3) that would replace “the wider framework of the principles embodied in other ILO instruments” with “a wider framework such as the principles embodied in other ILO instruments” and eliminate the concluding phrase “and stress the need for a global and coherent approach to the sector”; the first phrase would be improved by making examples of ILO instruments, and redundancy would be eliminated as the “ILO instruments” already represented a global and coherent approach. The Worker Vice-Chairperson challenged the modifications in the first phrase as making the sense of purpose less clear and felt that the “stress” phrase provided useful emphasis. Both agreed that it would be useful to hear from Office experts as to the intended meaning of the paragraph before deciding if the issues could be left to the Drafting Committee. As a compromise, the Employer members submitted a subamendment to the last part of their amendment adding after “agriculture” the words “and stress the need for a coherent approach to safety and health in the sector”. The Government member of Zimbabwe, speaking on behalf of the African group of Government members of the Committee, supported this subamendment, considering that the use of “coherent” properly emphasized the focus on the agricultural sector. The Worker members objected to the inclusion of the words “safety and health”, on the grounds that the proposed Convention was intended to address the working conditions of workers in that sector, so that mention of safety and health here was unjustifiably limiting. In reply, the Employer members stated they indeed considered the central issue to be safety and health and that to consider anything else was to go beyond the Committee’s mandate. An expert of the Office explained, in connection with the whole amendment, that in their replies to the second report many governments and trade unions had indicated their wish for a large number of Conventions to be mentioned in the Preamble. As this would have been very cumbersome, and as the Preamble was not legally binding, the Office had elected to use the standard ILO expression “the wider framework of the principles embodied in other ILO instruments”. She also indicated that it had been fully intended that the “sector” should

2 See voting record in Annex.
indicate "agriculture". Following this explanation, the Employer members wished it made clear that they understood the "sector" to refer to the agricultural sector; they then withdrew their amendment and subamendment.

46. The Government member of Brazil submitted an amendment to include the Worst Forms of Child Labour Convention, 1999 (No. 182) amongst the Conventions listed in the Preamble, in view of the large numbers of children working in agriculture. Support for the amendment was expressed by the Government members of Canada and Hungary and by the Employer members and Worker members. The amendment was adopted, the exact wording being left to the Drafting Committee.

47. The Worker members submitted an amendment to paragraph 3(3), proposing that the following Conventions be explicitly mentioned in the paragraph: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Medical Care and Sickness Benefits Convention, 1969 (No. 130); Minimum Age Convention, 1973 (No. 138); Rural Workers' Organisations Convention, 1975 (No. 141); Rural Workers' Organisations Recommendation, 1975 (No. 149); and Worst Forms of Child Labour Convention, 1999 (No. 182). In presenting their amendment, in a spirit of compromise the Worker members submitted a subamendment which would omit Convention No. 130 and Recommendation No. 149, on the grounds that the remaining Conventions listed were core Conventions, with the exception of Convention No. 141, which was directly relevant since it concerned rural workers and therefore agricultural workers. The Employer members agreed to the inclusion of the core Conventions, but objected to that of Convention No. 141, in view of its low ratification rate. The Worker members conceded this last point and agreed that Convention No. 141 could also be omitted, modifying their subamendment accordingly. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, considered that the mention in the Preamble of principles embodied in other ILO instruments satisfactorily covered these Conventions. The amendment was adopted, as subamended.

48. The Worker Vice-Chairperson presented an amendment adding a new paragraph (5) to Point 3: "reference should be made to the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 1977". The Vice-Chairperson of the Employers' group opposed the amendment on the grounds that it was not relevant to the issue under discussion. The Vice-Chairperson of the Workers' group replied that transnational companies were at the core of the problem. He noted that in 1994 transnational corporations had accounted for 85-90 per cent of global wheat exports, 60 per cent of sugar, 85-90 per cent of coffee, 70 per cent of rice, 85 per cent of cocoa beans, 80 per cent of tea, 70-75 per cent of bananas, 85-90 per cent of cotton and 85-90 per cent of jute. These products were produced in developing countries by people who, while creating wealth, were so poor themselves that they often could not afford to send their children to school. The Vice-Chairperson of the Employers' group expressed disappointment at the fact that the figures quoted referred to transport, rather than safety and health. In his view, all employers had the obligation to respect the laws of a country, whether their undertakings were local or transnational, which made the amendment irrelevant. The African group, in which the Government members of Côte d'Ivoire and the United Republic of Tanzania were now included, considered that the issue of transnationals had to be addressed when promoting satisfactory health standards. An expert of the Office drew attention to Point 25, in which reference was made to transnationals and the Tripartite Declaration, and proposed that a decision on this matter be postponed until Point 25 came under discussion, at which time the Committee could move the reference to the Preamble. The Vice-Chairperson of the Employers' group continued to oppose the amendment and requested that a decision be taken immediately. The Worker Vice-
Chairperson agreed that a decision could be reached quickly. He recalled that the questionnaire in Report VI(1) had asked if the Tripartite Declaration should be mentioned in the Preamble of an international instrument, and that 51 of 68 responses had been affirmative; this implied widespread support. An indicative show of hands by Government members at the request of the Government member of Hungary showed that this was the case. On the understanding that the record would show his group’s reservations, the Employer Vice-Chairperson withdrew his opposition to the amendment, and it was adopted.

49. The Worker members submitted an amendment to add a new paragraph 3(6), to say that the Preamble should make reference to the Cartagena Protocol on Biosafety to the UN Convention on Biological Diversity, Agenda 21 of the 1992 UN Conference on Environment and Development, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Employer Vice-Chairperson expressed his group’s reservations on this amendment and their opposition to it. The Cartagena Protocol and Agenda 21 had no place in this Convention, and the Declaration was covered by an earlier amendment to Point 3. The Worker Vice-Chairperson agreed that the reference to the Declaration was now redundant. To speed the work of the Committee, he withdrew the entire amendment.

50. Point 3 was adopted as amended.

C. Proposed Conclusions with a view to a Convention

I. Definitions and scope

Point 4

51. The Employer Vice-Chairperson submitted an amendment to replace clause 4(a), by the text “Agricultural undertakings directly related to cultivating, growing and harvesting activities, including aquaculture, agro-forestry, animal and livestock breeding according to national law and practice”. In the Employer members’ view, all the activities listed under (a) and (b) were agricultural, and their amendment was intended to cover them all. Furthermore, the Employer members considered the reference to “primary processing” to be a source of considerable confusion, as this was not a precise term and could be interpreted to indicate activities far beyond what is produced on a farm. They understood the Office text following the word “agro-forestry” to have been intended to specify the meaning of that term, but they felt this explanation should be omitted in order to avoid confusion. In sum, they considered that this instrument should cover activities related to actual agricultural undertakings. The Worker members, while welcoming the Employers’ intention to render the text comprehensive and clear, could not agree to the reference to national law and practice. They felt that this term did not precisely define agricultural activities, some of which would therefore risk being omitted. They considered the meaning of “primary processing” was quite clear. The amendment was opposed by the Government members of Canada and Hungary, and by the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, who preferred the original text, pointing out that a noun (agriculture) could not be defined by means of its adjective (agricultural), as was proposed. After discussion between the Worker members and the Employer members about the exact meaning of “primary processing”, during which a subamendment submitted by the Government member of Argentina was ruled out for procedural reasons, the Employer members concluded by emphasizing that in their view “primary processing” could only refer to agricultural activities undertaken on the farm. They then withdrew their amendment.
52. An amendment was submitted by the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union. It was intended to insert the words “namely cereals, vegetables, fruits, flowers and similar” after the word “products”, and to replace the words “and to agro-forestry or any work performed in a forest related to cultivating or conserving forests;” by the words “and to those aspects of forestry which are not covered by an existing ILO instrument or Code of practice”, but was withdrawn.

53. An amendment submitted by the Government member of Norway to replace in the third line the word “including” with the word “except” was not seconded and therefore not discussed.

54. The Worker members submitted an amendment to delete the text after the word “agro-forestry”, on the grounds that it did not contribute any greater precision. In answer to a question from the Government member of the United States, the Chairman confirmed, after consultation with the secretariat, that agro-forestry did not include harvesting timber or trees. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, and the Employer members all expressed their agreement with the amendment and it was adopted.

55. The Government member of Canada withdrew an amendment intended to replace at the end of the clause the words “performed in a forest related to cultivating or conserving forests” by the words “any work of exploitation of private forests by workers in agriculture”.

56. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, proposed an amendment to Point 4(c), replacing the words “installations used in agricultural activities” by “agricultural installations”, and inserting the word “storage” after the words “and any process”. The intention was to clarify and shorten the text, which would then read: “all machinery, equipment, appliances, tools and agricultural installations and any process, storage, operation or transportation, in an agricultural workplace, directly related to agricultural production”. After some clarification of the proposed changes, the amendment attracted the support of the Employer members, the Worker members, and the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee. The amendment was adopted.

57. Point 4 was adopted as amended.

Point 5

58. The Worker Vice-Chairperson introduced an amendment to Point 5, proposing to delete the words “subsistence farming” and replacing the words “exploiting forests” by the words “industrial exploitation of wood”. With respect to the first part of the amendment, the intention was to sensitize all farmers to the need to safeguard both themselves, their families and the environment in which they worked and lived. Hence subsistence farmers should be included along with, for example, workers on large-scale farms and undertakings belonging to transnationals. The Employer members disagreed with the proposal and considered that subsistence farmers should be excluded from the coverage of the Convention because of the difficulties of determining whether they were employers or workers; the text as it stood did not define subsistence farmers and the Employer members wished a definition to be provided to the meeting. The Government members of Ethiopia
and Hungary both opposed the proposal, on the grounds that the exclusion of subsistence farmers would enable ratification of the Convention. An expert from the Office read out the definition of subsistence farming based on that provided in the International Standard Classification of Occupations (1988 edition): "Agricultural activities engaged in for the purpose of providing for the basic living requirements of the operator and his or her family, and not for commercial purposes". This made it clear that no employment relationship was involved. The Government member of Brazil supported the amendment, as did the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, who added that there was a need to focus on education and promotional activities on safety and health amongst subsistence farmers. The Worker Vice-Chairperson considered that the training and promotional elements identified as desirable could be included in a Recommendation, and consequently withdrew the first part of the amendment.

59. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, proposed an amendment in two parts, the first of which would replace the words "subsistence farming" with the words "farming by members of the family exclusively for their own consumption". The intention was to render more clearly and concisely the definition provided by the International Standard Classification of Occupations. The Government members of Bangladesh, India, Japan and Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, all expressed their opposition to the first part of this amendment. The Government members of Congo and Hungary were both in favour of it but on condition its meaning was clarified. The Employer members favoured the original text, and felt that the formulation “exclusively for their own consumption” was misleading as it could preclude the sale of, for example, food produced by the farmer and his/her family to acquire cash for other basic needs; if the intention was to exclude all commercial activities, then there was no need to amend the original text. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, confirmed that the proposed text indeed intended to exclude all commercial activities, and withdrew the first part of her amendment.

60. The Worker Vice-Chairperson then submitted the second part of his (previous) amendment, which proposed to replace the words “exploiting forests” by the words “industrial exploitation of wood”, for the sake of greater clarity to distinguish between agricultural and industrial activities in forests and in order to align the text in this point with that agreed for Point 4(a). The Employer members considered the word “wood” not defined clearly enough, and preferred the original text. The Government member of Portugal, on behalf of the Government members of the Committee Member States of the European Union, supported the amendment, as did the Government member of Switzerland who wanted only industrial exploitation of wood excluded from the Convention, since in central Europe many farms included woodland. The Government member of Hungary considered the only real issue was the distinction between wood and forest, and submitted a subamendment to the Workers’ amendment, replacing the word “wood” with the word “forests”. The last part of Point 5 would then read: “and any work performed in a forest related to industrial exploitation of forests”. The Worker members seconded this subamendment and the Employer members expressed their support for the amendment as subamended. The amendment was adopted as subamended.

61. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, withdrew the second part of her (previous) amendment, which would have deleted the words “and any work performed in a forest related to exploiting forests”.

59. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, proposed an amendment in two parts, the first of which would replace the words “subsistence farming” with the words “farming by members of the family exclusively for their own consumption”. The intention was to render more clearly and concisely the definition provided by the International Standard Classification of Occupations. The Government members of Bangladesh, India, Japan and Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, all expressed their opposition to the first part of this amendment. The Government members of Congo and Hungary were both in favour of it but on condition its meaning was clarified. The Employer members favoured the original text, and felt that the formulation “exclusively for their own consumption” was misleading as it could preclude the sale of, for example, food produced by the farmer and his/her family to acquire cash for other basic needs; if the intention was to exclude all commercial activities, then there was no need to amend the original text. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, confirmed that the proposed text indeed intended to exclude all commercial activities, and withdrew the first part of her amendment.

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62. An amendment by the Employer members to replace the words “industrial processes ... related to exploiting forests” by the words “industrial processing of agricultural products; primary processing of agricultural products when such processing is external to the undertaking” was withdrawn.

63. An amendment submitted by the Government member of Canada to insert after the words “related to” the words “developing, conserving and” and at the end of the Point to add the words “by the forestry industry” was withdrawn.

64. Point 5 was adopted as amended.

Point 6

65. The Worker members submitted an amendment to delete all of Point 6 on the grounds that every effort had been made in formulating the Preamble to include all agricultural workers in the scope of the instrument, so that it was inappropriate to now start excluding categories of workers. The Employer Vice-Chairman observed that eliminating Point 6 would deprive countries of part of their sovereignty, as they could not introduce the provisions of the Convention progressively and still be in compliance with it. The Government members of Bahrain, Canada, China, the Czech Republic, Hungary, Japan, Mexico and Portugal, on behalf of the Government members of the Committee Member States of the European Union, supported the Office text, whereas Zimbabwe, on behalf of the African Government members of the Committee, supported the Workers’ amendment. Noting that the majority of Government members wanted to keep the Office text unchanged, the Worker Vice-Chairperson withdrew the amendment.

66. The Government member of Japan submitted an amendment to add the words “or authorities” after the word “authority” in paragraph 6(1), since in Japan and many other countries more than one ministry or agency was responsible for safety and health in agriculture. He noted further that the plural had been used in the Occupational Safety and Health Convention, 1981 (No. 155). The Employer Vice-Chairperson objected that in legal texts the singular normally implied the plural, and was supported by the Worker Vice-Chairperson. The amendment was not adopted.

67. The Government member of Japan then submitted an amendment to replace the words “employers, workers and self-employed farmers concerned” in paragraph 6(1) by the words “employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate”. This would maintain the principle of tripartism while ensuring that the self-employed would be heard. The Employer Vice-Chairman agreed with the principle, but felt that the Employer members’ amendment to delete all reference to the self-employed in this paragraph was preferable because including a fourth party in the consultation process was contrary to the unique tripartite nature of the ILO. The Worker Vice-Chairperson recalled the discussion of the place of non-governmental organizations that had taken place during the elaboration of the Worst Forms of Child Labour Convention, 1999 (No. 182) where the importance of consulting all interested parties had been recognized, and supported the amendment of the Government member of Japan. The Government members of Bahrain, Canada and Hungary likewise favoured the Japanese formulation. On the understanding that all three social partners would be taking into account the views of the representative organizations of self-employed farmers, the Employer members withdrew their amendment in favour of the amendment of the Government member of Japan.

68. The Employer members submitted an amendment to delete clause 6(1)(b), which enjoined the competent authority to make plans for progressively covering all undertakings and all
categories of workers, in the event that certain undertakings or categories of workers were initially excluded from the application of the proposed Convention, on the grounds that it was superfluous. They pointed out that the corresponding Article of the Occupational Safety and Health Convention, 1981 (No. 155), had no such clause. The proposal was opposed by the Worker members and the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government members of the Committee Member States of the European Union, and was withdrawn.

69. The Employer members likewise withdrew an amendment to delete the last sentence in paragraph 6(2), which provided for reporting of the extension of coverage to previously excluded undertakings or categories of workers.

70. Point 6 was adopted as amended.

II. General provisions

Point 7

71. Amendments submitted by the Government member of Japan and by the Employer members to ensure that the treatment of self-employed farmers did not conflict with the ILO’s tripartite mechanisms were referred to the Drafting Committee in light of the debate on Point 6.

72. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Worker members submitted identical amendments to delete the words “so far as is reasonably practicable” from paragraph 7(1), citing the remarks of the representative of the Secretary-General at the Committee’s first sitting. In response to calls for clarification from the Government member of Hungary and the Employer Vice-Chairperson, the representative of the Secretary-General noted that practice had been evolving continuously for years, so that although those words had been routinely employed in the past, since the debate on the Safety and Health in Mines Convention, 1995 (No. 176), the “priority prevention principle” had established itself. According to this principle the ideal was to eliminate a hazard; if the hazard could not be eliminated it should be minimized, and if it could not be minimized it should at least be controlled. This conflicted with the principle implied by the phrase “so far as is reasonably practicable”. The text currently under discussion had been drafted at a time of transition. The Government member of Hungary felt that if this approach would avoid the problems in national legislation that absolute statements caused, which had been the original motivation for the traditional phrase, he could support the amendments. The Government member of Portugal, on behalf of the Government members of the Committee Member States of the European Union, likewise supported the amendments, although she pointed out that doing away with the clause could pose problems for ratification by some States. The Employer Vice-Chairperson expressed dissatisfaction with the Office explanation; he nevertheless withdrew his opposition to the amendments but emphasized that the reservation of the Employers on this matter be recorded as they would revert to it in the second discussion. The amendments were adopted.

73. The Worker members submitted an amendment to insert the word “public” after the word “competent” in clause 7(2)(a), to ensure that the global trend toward privatization did not deprive workers of protection by a public entity. In response to a request for clarification from the Employer Vice-Chairperson, the Legal Advisor acknowledged that the expression “competent authority” by itself did not imply a public entity, whereas adding the word “public” would make the expression more precise. The Employer Vice-Chairperson thereupon stated his opposition to the amendment. The Government member of Hungary
observed that discussion of privatization in the international labour inspection community had revealed that enforcement of regulations by non-public entities was difficult. He thought that trying to deal with such a complex issue by the addition or omission of a single word was inappropriate in the present context. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, observed that the reference to national legislation as the source of accreditation of any authority ensured the primacy of public entities, and expressed the support of his group for the Office text. The Employer members pointed out that the proposed text, which was to be found in many other Conventions, was based on article 19, paragraph 5 of the ILO Constitution, which clarified that the term “competent authority” was intended to mean governments. Thus, to add the word “public” here would create unnecessary confusion and give rise to many unanswerable questions. The Employer members’ concern was that this amounted to a legal, constitutional issue and they did not support an amendment that seemed to seek the amendment of the Constitution. The Worker members acknowledged the clarification. They wished to see custom and practice develop, but were also aware that the provisions of Point 8 covered a labour inspection system in agriculture to be composed of public officials, which tended to confirm the Employers’ position. Indeed, in some member States, “public” implied a wider representation than “state”, which created further problems. After the Government members of Brazil, the Czech Republic and Zimbabwe, the latter on behalf of the African Government members of the Committee (Botswana, Côte d’Ivoire, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa and Zambia), indicated their opposition to the amendment, the Worker members withdrew their amendment, on the grounds that the proposed Convention should be read in conjunction with other Conventions and that the Employers had recognized the implicit sense of “public” in “competent authority”.

74. An amendment submitted by the Government member of Japan, which would have added the words “or authorities” after the word “authority”, failed to be seconded and was withdrawn, on the grounds that a similar amendment to paragraph 6(1) had been rejected.

75. The Government member of Japan submitted an amendment to clause 7(2)(b) to the effect that the text of this subparagraph should be preceded by the words “Members should” and then be treated as a new paragraph 7(3). The amendment was justified on the grounds that coordination mechanisms could be set up as an administrative procedure, and did not require a reference to national laws and regulations (as appeared at the beginning of paragraph 7(2)). The Government member of India expressed his support for the amendment, but the Government member of Zimbabwe, on behalf of the African Government members of the Committee, and the Government member of Hungary favoured the original text; the latter reasoned that the usual reference to national laws and regulations was intended to encourage member States to set up such mechanisms and pointed out that the notion of “regulations” was a very flexible one which could encompass many forms of control mechanism. The Worker members agreed with the Government member of Hungary, adding that statutory instruments often covered arrangements without a legal basis as such, and indicated their opposition to the amendment. The Employer members considered that, if acceptable, the amendment would more logically appear under Point 8, but advised the amendment be withdrawn. The amendment was withdrawn.

76. An amendment to clause 7(2)(c) was submitted by the Government member of Japan to the effect that the text of this subparagraph should be preceded by the words “National laws and regulations or any other method consistent with national conditions and practice should” and then be treated as a new paragraph 7(3). The Government member of Japan then subamended his amendment inserting the words “National laws and practice ...” instead of the words “National laws and regulations or any other method consistent with national conditions and ...”. The new paragraph would thus read “National laws and
practice should specify the rights and duties of employers and workers and self-employed farmers with respect to safety and health in agriculture." The Employer members opposed the proposal, on the grounds that as subamended the amendment added nothing to the original text. The Worker members also considered the proposal unacceptable, since practice could not specify any rights and duties, still less in the place of regulations. The Government member of Argentina opined that national practice could not exist outside national laws and regulations and also opposed the subamended amendment, as did the Government member of Zimbabwe on behalf of the African Government members of the Committee. The amendment, as subamended, was withdrawn.

77. An amendment submitted by the Employer members proposed the deletion of the words "and self-employed farmers" from clause 7(2)(c). The Employer Vice-Chairperson explained that whereas Employer members' amendments to paragraphs 6(1) and 7(1) had been presented in the context of consultations with representative organizations including those of self-employed farmers, the present amendment referred to their rights and duties. The Employer members considered the self-employed to be neither employers nor workers, and hence wondered what their rights and duties were. They were of the opinion that the right of one person was the obligation of another, and vice versa. Furthermore, self-employment fell outside the competence of the ILO. The Worker members argued that there was no doubt that in the agricultural context, national laws and regulations applied to employers, workers and self-employed farmers, of whom there were such large numbers in the sector. Whilst sympathizing with the Employer members' predicament, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, recalled the very large proportion of people in agriculture who came under the category of self-employed and whose needs should be addressed; he favoured the original text. The Government members of Norway, Sweden and the United Kingdom reported on their respective countries' regulations regarding the duties of the self-employed who, in addition to taking care of themselves, had to ensure that no-one was adversely affected by their activities. The Government member of Greece considered that the term "self-employed" needed further definition and requested the Office to provide it. For his part, the Government member of Denmark pointed out that the original text, which he favoured, stated that national laws and regulations were only to specify the rights and duties of the self-employed. The Government members of Finland, Germany, Ireland, Italy, Portugal and Spain all associated themselves with the Office text, as did those of Canada and Malaysia. The Government member of Hungary observed that with changes in the world of work the traditional roles of employers, workers and the self-employed no longer corresponded to everyday realities in agriculture; he also favoured the Office text. After consultation, the Employer Vice-Chairperson reiterated the difficulties his group had with the inclusion of self-employed farmers, stressing the negative impact this was likely to have on family-operated farms not employing anyone outside the family. He asked that over the coming year the Office should address the need to refine the definition of self-employed farmers provided on page 7 of Report VII(2) in the light of the problems expressed and particularly the connotations for such farmers who employed others. He proposed a subamendment to the amendment, so that the passage would read: "specify the rights and duties of employers and workers and those self-employed farmers who employ workers, with respect to safety and health in agriculture; and". The Worker Vice-Chairperson expressed surprise at the proposal: in Points 4, 5 and 6 the reference had been to self-employed farmers who needed coverage, yet here was a proposal concerning self-employed persons who employed others – persons who, in the Worker members' view, were therefore employers. If self-employed farmers had no responsibilities, the persons working for them would, in cases of injury, become a burden on the State, hence this was a preventive, social security measure. The Worker members were not against improvement being made to the definition of self-employed farmers before the second discussion next year, but called for this subamended amendment to be withdrawn. The Government
members of Brazil and the United States expressed support for the subamended amendment. The Government members of Denmark, Finland, Germany, Hungary, Portugal, Sri Lanka, Sweden, the United Kingdom and Zimbabwe, the latter on behalf of the African Government members of the Committee, all expressed their opposition to the subamended amendment. The Government member of Argentina also did so, pointing out that crossing boundaries between categories in this way risked suppressing basic rights. The Employer members reiterated their very strong reservations about including self-employed farmers thus defined at this point in the text and indicated their firm intention to address this issue at the second discussion stage. They withdrew the subamended amendment.

78. An amendment to clause 7(2)(d) submitted by the Employer members would have the effect of retaining only the words “provide for corrective measures”. The Employer Vice-Chairperson asserted that the inclusion of immediate suspensions or restrictions would in most countries have the effect of preventing due legal process, not allowing employers the chance to explain their side, and adversely affecting workers if enterprises had to close down. The text was too specific for a Convention. The Worker Vice-Chairperson pointed out that the original text did not refer to immediate suspensions or restrictions but did refer to corrective measures and penalties applying only until the conditions were corrected; in his view, where there was a danger to others the lesser evil of shutting down enterprises was preferable. An expert from the Office explained that this text was consistent with that of the aforementioned Conventions Nos. 155 and 176, and the Safety and Health in Construction Convention, 1988 (No. 167). The Employer members’ objection essentially concerned the arbitrariness of suspension and restriction, their contention being that due process does not include arbitrary action; they submitted a subamendment to their amendment which would then read: “provide for corrective measures and appropriate penalties.” The Worker Vice-Chairperson responded that measures and penalties would have to be appropriately structured to be acceptable. The Government member of Zimbabwe, on behalf of the African Government members of the Committee, drew attention to Article 12, paragraphs 1 and 2 of Convention No. 167 in which provision was made to stop an operation on the basis of risk assessment, a principle which he felt should be included in this Convention. He and the Government member of Portugal both supported the Office text, the latter because it was in line with the European Union’s framework Directive on safety and health. At this point, the Government member of Sri Lanka submitted a subamendment, which made the subparagraph read as follows: “provide for corrective measures and appropriate penalties as far as practically reasonable, day by day, until the conditions giving rise to the suspension of a restriction have been corrected.” The Employer Vice-Chairperson requested a further indication by the secretariat of which international labour Conventions included provisions for suspension of activities. An expert mentioned Article 18 of the Labour Inspection (Agriculture) Convention, 1969 (No. 129); Article 5, paragraph (2), clauses (d) and (e) of the Safety and Mines Convention, 1995 (No. 176); and Article 7, paragraph (1) of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Government member of Hungary submitted a subamendment to end clause 7(2)(d) after “penalties” and move the remaining text to the appropriate location in the Proposed Conclusions with a view to a Recommendation that would be discussed later. He recalled that some members of the Committee had remarked on the difficulty of ratifying existing international instruments, and asked if the Committee wanted to produce a Convention more stringent in its requirements than the Occupational Safety and Health Convention, 1981 (No. 155). The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Botswana, Côte d’Ivoire, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa and Zambia), reminded the Committee that they could see examples of the Office formulation in existing Conventions, such as Convention No. 167, Article 12, paragraph (2), whereas the
“reasonably practicable” wording of the subamendment of the Government member of Sri Lanka had been rejected by the Committee in the debate on earlier Points. The Employer Vice-Chairperson replied that the wording in Convention No. 167 was not identical to that proposed in the Office text, but that if the idea of “imminent danger” included in Convention No. 167 were included, the Employer members could support the resulting formulation. Of the present proposals, he supported that of the Government member of Hungary. The Government member of Argentina felt that the term “appropriate penalty” was sufficiently wide to include everything from a fine to the closure of a business. In Spanish, if one used the words “provision for corrective measures and appropriate penalties” this would cover all possibilities. The Worker Vice-Chairperson noted additional precedents to the formulations in the Office text in the instruments cited by the secretariat. The Government member of the United States asserted that the Office text provided for corrective measures but also gave competent authorities the authority to suspend operations in cases of egregious violation of standards; the words “as appropriate” provided for due process of law. The Government member of Italy, recalling that prevention was the goal of the provisions under discussion, proposed that a less confrontational formulation might be devised if one took into account the procedures in force in his country, but the Government member of Portugal stated that the other Government members of the Committee Member States of the European Union favoured the Office text. She was joined by the Government members of Canada and Japan. The Vice-Chairperson of the Employers’ group proposed a subamendment to the text which would change clause (d) to read “provide for corrective measures and appropriate penalties for violations of the law including, where appropriate, the suspension or restriction of those agricultural activities which pose an imminent danger to the safety and health of workers until those conditions giving rise to the suspension or restriction have been corrected”. The Government member of Brazil supported the formulation proposed by the Employers, as did the Government member of Norway. The Government member of Sri Lanka said that the subamendment put forward by the Employers met the need for compromise to which his had been addressed, and withdrew his subamendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that they still had serious reservations on the amendment proposed by the Employers and could not accept it. The Worker Vice-Chairperson opposed the Employers’ subamendment for watering down the intent of the clause, introducing new terminology and prejudging the role of inspectors; the Office text was preferable. The Employers called for a vote on the amendment as subamended. It was rejected by 79,488 votes in favour, 96,768 votes against, with 5,184 abstentions.

79. The Government members of Argentina and Brazil submitted an amendment to add a new clause in paragraph 7(2) to the effect that national laws and regulations should “establish the obligation to develop training actions for providing guidance and information on health and safety at the workplace to both employers and workers”. They emphasized that employers needed training as much as workers, and that this important concept was not present in the Office text. The Employer Vice-Chairperson offered a subamendment to add the words “of the competent authority” after “obligation” and reminded the Committee that training was dealt with in clause 10(b) of the Proposed Conclusions with a view to a Convention. In supporting the original amendment, the Worker Vice-Chairperson proposed that if training were dealt with in more than one place, the Drafting Committee could harmonize the wording of the proposed instrument. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the amendment, observing that employers were often not well versed in occupational safety and health. The Government member of Hungary submitted a subamendment to alter the wording to “establish mechanisms to develop training activities for providing guidance and information on health and safety at the workplace to employers and workers and self-employed farmers”. The Employer Vice-Chairperson objected to the
mention of self-employed farmers and asserted that the suppression of the reference to the competent authority could make employers and not governments responsible for the cost of training programmes. The Government member of Hungary acknowledged that it was indeed the intent of the subamendment to avoid fixing exclusive responsibility on the competent authority; this would make the instrument more flexible. Furthermore, available data showed that the self-employed often had less access to safety and health information than organized groups and thus deserved mention in this context. The Employer Vice-Chairperson objected that, because clause 10(b) already imposed an obligation on employers to provide training, the latest subamendment put a double obligation on them. The Government member of the Czech Republic opposed both the amendment and the subamendment provided by the Government member of Hungary, saying that the issue of training did not belong in a paragraph that outlined the responsibilities of the competent authority. The Worker members supported the amendment as subamended by the Government member of Hungary because having trained workers under untrained employers could lead to disputes, lost productivity and other undesirable outcomes. They pointed out that Point 10 addressed only the training of workers. The Government members of Argentina and Brazil remarked that the self-employed were covered by virtue of preceding Points of the proposed instrument, and subamended the text as subamended by the Employers to read “the competent authorities should provide for mechanisms to develop training activities for guiding and informing employers and workers on occupational safety and health”. The Chairperson declared that the accumulation of subamendments had gone too far, and asked the Government members of Brazil and Argentina if they would withdraw their amendment, which they did.

80. The Worker members submitted an amendment to add a new clause to paragraph 7(2) to say that national laws and regulations should “specify the right to trade union appointed safety and health representatives and, where appropriate, safety and health committee members. This should include operational arrangements and funding to allow a scheme of roving trade union safety and health representatives to function effectively in small enterprises. Trade union appointed safety and health representatives should be supported by legally appointed, joint enterprise safety and health committees”. The Worker Vice-Chairperson acknowledged that the commitment to funding might be unacceptable to Governments and Employers, and offered to subamend his amendment by deleting the words “and funding”. Roving trade union representatives were important, as some farms were so small and remote that it would be impossible to have safety committees and safety representatives present there. The Employer Vice-Chairperson said the question of funding was not the only problem associated to this amendment, because ILO instruments had always used the term “workers' representative”, and “trade union representative” was a major departure. He felt that these provisions should be left to collective bargaining agreements, that trade unions should not be named in a Convention, and that introducing outsiders, in the persons of roving trade union representatives, into the domain of safety and health committees was undesirable. The Worker Vice-Chairperson acknowledged that there was no reference to trade unions in earlier ILO instruments, but the Committee members should not be afraid of a novel idea. The proposal was not aimed at increasing trade union membership but at assisting governments in policing safety and health as these roving trade union representatives would be government accredited and supervised. The Government member of the United Kingdom said that his Government was currently studying how effective roving trade union safety and health representatives were, and so could support the first part of the amendment but would need time to consider the trade union safety and health committees part of the amendment. The Employer Vice-Chairperson pointed out that the ILO already had a Convention concerning labour inspection in agriculture, and that the proposed amendment implied that the government should legally appoint trade union safety and health representatives to supplement inspection teams. He said that this was not right, and if labour inspection services were
weak, then they should be strengthened. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee supported the removal of the funding obligation and welcomed the promotion of bipartism, but hoped that the secretariat could put forward better wording. The Worker Vice-Chairperson observed that there had been a strong positive reaction to the idea of roving trade union representatives, but poor response to the rest of the amendment. He then proposed a subamendment to delete the last sentence, leaving “specify the right to trade union appointed safety and health representatives and, where appropriate, safety and health committee members. This should include operational arrangements to allow for a scheme of roving trade union safety and health representatives to function effectively in small enterprises.” The Government member of Sweden expressed sympathy with the Worker members’ ideas on this, pointing out that in Sweden workers’ representatives were appointed by trade unions and had an important role to play in improving workplace safety. However, he considered further textual improvement necessary, notably the removal of “and funding” from the original text. The Government member of France supported the Worker members’ subamended text. However, the subamended text failed to attract support from the Government members of Austria, Denmark, Germany, Japan and Portugal. The Government member of Spain opposed the Workers’ text as he felt safety and health representatives should not necessarily be selected through the trade unions. The Government member of Hungary requested clarification as to whether, in the first line, the Worker members intended to refer specifically to the right of trade unions to appoint safety and health representatives. He pointed out that in Hungary safety and health representatives were elected and though often supported by the trade unions they were not appointed by them. If the text intended to refer to the right of trade unions to appoint them, then he could not support it, as this would create serious difficulties at ratification stage. At this point, the Worker Vice-Chairperson introduced another subamendment to his group’s subamended amendment, to replace the words “trade unions” with the standard ILO expression “workers and their representatives” and sought to find out how much support this would attract from the governments. He also replied to the query of the Government member of Hungary by referring to his proposed use of the standard ILO formulation, adding that he thought the text would still need to be referred to the Drafting Committee. The Government member of Hungary was not satisfied that this was merely a drafting matter and awaited a further subamendment on this. The Employer Vice-Chairperson expressed his group’s opposition to the Worker members’ subamendment, explaining their objections not only to the earlier use of the term “trade union” but also to the idea of roving trade union safety and health representatives, to the idea of external safety and health representatives who they considered certain to be interested parties and therefore not neutral. Furthermore, they felt that such outside inspectors could not be expected to have the same level of training as government inspectors, and were concerned that farmers might not accept such non-government inspectors on their property. Therefore, even with the latest subamendment, the Workers’ amendment presented too many problems and the Employers called for its withdrawal. The Worker Vice-Chairperson assured the Committee that the Worker members sought simply to help equip workers to improve safety conditions, and submitted a new subamendment to the following effect: “Specify the right of workers and their representatives to appoint safety and health representatives and, where appropriate, safety and health committee members. This should include operational arrangements to allow a scheme of roving safety and health representatives to function effectively in small enterprises.” The Government members of the Czech Republic, Finland, Malaysia and Switzerland all opposed this latest subamendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Algeria, Botswana, Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Ghana, Egypt, Ethiopia, Kenya, Lesotho, Liberia, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa, United Republic of Tanzania, Zambia, Zimbabwe) also opposed it. His group considered the provisions of Convention No. 155 quite explicit on
the appointment of safety and health representatives and safety committees. The issue for his group was how to ensure that these functioned properly, taking into account the characteristics of the agricultural sector, and consequently he could not support it. The Government member of Sweden supported the subamendment and the Government member of Hungary stated that he could support the first sentence, provided it referred specifically to agriculture, but could not support the second sentence. The Employer Vice-Chairperson maintained his group’s opposition, stating their view that the issue should be discussed under Point 11. The Worker Vice-Chairperson sought to meet governments’ difficulties on this proposal by suggesting a further subamendment to the following effect: “Specify the right of workers in agriculture and their representatives to appoint safety and health representatives and, where appropriate, safety and health committee members. This should include operational arrangements which recognize the particular needs of agricultural workers that arise from the geographical location and size of the workforce within the enterprise.” The Government members of Portugal and of Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, supported this latest subamendment. The Government members of Belgium, the Czech Republic, Finland, Hungary, Japan, Lebanon and Malaysia could not support it, nor could the Government member of Denmark, who preferred the wording under clause 11(1)(a). The Government member of Norway considered that the first sentence was covered by clause 11(1)(a), but that the second sentence had no part in a Convention, though it could be placed in a Recommendation. The Worker Vice-Chairperson requested an indicative vote on the second sentence of his group’s subamendment. After this was done, the Worker Vice-Chairperson conceded that there was insufficient support for the second sentence and withdrew that part of his subamendment. He then requested an indicative vote on the first sentence of his subamendment, which was objected to by the Government member of Hungary, who wished time to discuss what amounted to a subsubamendment before proceeding to a vote; he asked the Worker Vice-Chairperson to explain why they wished this point raised here when it was covered in Point 11, paragraph (1), clause (a). The Worker Vice-Chairperson replied that Point 11 dealt with the rights of workers, whereas this point covered the provisions of national laws and regulations for health and safety in agriculture, which everyone considered desirable. The indicative vote showed insufficient support for the first sentence and the Workers withdrew their amendment, stating that they would return to the question in the second discussion.

81. The Government member of Canada submitted an amendment to add a new paragraph after paragraph 7(2) to the effect that “national policy should also provide for safety and health promotion in agriculture, through action programmes and educational tools, with a view to addressing, especially, the specific needs of self-employed farmers, seasonal workers and young workers.” The intention was to improve the proposed Convention on the crucial issues of prevention and awareness-raising, targeting these groups in particular. The Employer members objected to the introduction of a new concept, “national policy”, and considered the amendment brought nothing new, judging the question of self-employed farmers was better addressed in the proposed Recommendation; they considered the amendment could be submitted at the appropriate point when the Recommendation was discussed. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, the Government member of Norway and the Worker Vice-Chairperson all agreed with the principle of the amendment but considered it should be included in the Proposed Conclusions with a view to a Recommendation. Procedural matters were discussed in view of the fact that the deadline for submission of amendments to the Proposed Conclusions with a view to a Recommendation had already expired. The Legal Adviser explained that it was possible, if the Committee agreed, to transfer the amendment of the Canadian Government in order for it to be considered and discussed
during the discussion of the Proposed Conclusions with a view to a Recommendation; but first the amendment had to be withdrawn. This procedure was followed and the Chairman confirmed that the amendment by the Government member of Canada could be submitted during discussion of the Proposed Conclusions with a view to a Recommendation.

82. Prior to the adoption of Point 7, the Employer Vice-Chairperson wished it put on record that his group had difficulty accepting the statement by a representative of the Office, that the words “so far as is reasonably practicable” were redundant and unnecessary in the last sentence of paragraph 7(1) in light of the presence of the words “eliminating, minimizing and controlling”, which the secretariat referred to as the “priority prevention principle”. The Employers took issue with this opinion and believed that the words “so far as is reasonably practicable” were, in fact, necessary in order to give proper effect to Point 7 and in order to avoid the imposition of strict or absolute liability. The current amended wording placed an absolute duty upon employers which was contrary to the opinion given on the record and which was not acceptable to the Employers. His group requested that, before the next Conference and preferably earlier, the Office prepare written advice on the legal implications of the terms: “absolute duties”, “so far as is practicable”, and “so far as is reasonably practicable”. He indicated that the Employer members would be raising this important point again in the second discussion.

83. Point 7 was adopted as amended.

Point 8

84. The Employer Vice-Chairperson introduced an amendment to paragraph 8(1) requiring its replacement by: “Members should put in place and implement effective and appropriate systems of inspection of agricultural activities”. It was offered for the sake of clarity, being intended to meet the Employer members’ concern about the uncertain meaning of “is provided with adequate means” in the original text. The Worker Vice-Chairperson sought to increase the clarity further by proposing a subamendment adding the sentence: “These should include operational arrangements which take into consideration the geographical location and the size of the workforce within individual enterprises”. The Employer members objected to the reintroduction of a subamendment which had been rejected earlier, but the Worker members maintained that the present context was completely different. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, opposed both the Employers’ amendment and the Workers’ subamendment. The Employer members withdrew their amendment.

85. The Worker Vice-Chairperson submitted a three-part amendment to paragraph 8(1): adding after the word “adequate” in the first line the word “transparent”; adding the word “public” before the words “system of; and adding at the end of the sentence the words “and adequate powers of enforcement”. Taking the three parts individually, he explained that the first was intended to ensure that arrangements for inspection systems could be simply expressed and readily understood by the public. The Employer members rejected the use of this term, which they considered added nothing of substance, had not been legally defined and was liable to cause confusion if not create an atmosphere of suspicion. The Worker Vice-Chairperson reiterated that his group’s intention had been to ensure that systems were clearly defined and explained, and withdrew the first part of the amendment. He then withdrew the second part of the amendment, given that the word “public” had already been discussed. He commended the third part as a useful addition which spoke for itself. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, considered that the word “means” in the original text sufficed. The Government member of Switzerland considered that “adequate means”
encompassed the notion of "powers of enforcement" and opposed the proposed text, as did the Government members of the Czech Republic, India, and Lebanon. The Employer members thought that the term implied that governments did not already have adequate powers which they manifestly felt they had, and appealed to the Worker members to withdraw it in a spirit of cooperation. The Worker Vice-Chairperson reluctantly withdrew the third part of the amendment.

86. The Employer members submitted an amendment which sought to delete paragraph 8(2) entirely, on the grounds that it stated the obvious. After consultations, they had concluded that it was nevertheless advisable to state the obvious and submitted a subamendment to their amendment, the effect of which was to retain the words "Where necessary, the competent authority may entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services or public institutions". They requested clarification from the Office regarding the words in the original text: "or associate these services or institutions with the exercise of such functions". An expert from the Office explained that this phrase was based on Article 12, paragraph (2) of Convention No. 129 on labour inspection in agriculture, and that the sense of "associate" was "combine" or "jointly administer". The Worker members concluded that this phrase added value to the text and therefore urged the Employer members to withdraw their amendment and subamendment. The Government member of Zimbabwe, on behalf of the African Government members of the Committee, stated they could not support the proposal. The Employer Vice-Chairperson reluctantly withdrew the amendment and subamendment.

87. Point 8 was adopted without amendment.

III. Preventive and protective measures

General

Point 9

88. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom submitted an amendment to subdivide Point 9 into two paragraphs and thus enhance its clarity. The resulting paragraphs read:

1. National laws and regulations should provide that the employer should have a duty to ensure the safety and health of workers in every aspect related to the work.

2. Whenever two or more employers or self-employed persons engage in activities in the same agricultural workplace, these should cooperate in applying the safety and health requirements. In appropriate circumstances the competent authority should prescribe general procedures for this collaboration.

The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, remarked that the English and Spanish versions of the text did not seem to reflect the intentions of its authors as faithfully as the French. Assuming that the Committee was considering the amendment part-by-part, as had been done with several earlier amendments, the Vice-Chairperson of the Employers' group confined his remarks to the first paragraph. He opposed it on the grounds that it went beyond the Office text and included unnecessary requirements. Furthermore, the term "every aspect" was confusing. The Government members of Canada and Brazil supported the amendment, the latter noting that splitting the Point had rendered it more comprehensible. The Government member of Hungary missed in the amendment a reference to agriculture and considered the term "every aspect" unclear. He asked for an
explanation. The Government member of Portugal replied that the language of the amendment followed that of the European Union’s “Framework Directive” on occupational safety and health. The African Government members of the Committee and the Worker members favoured the amendment. The Government member of Japan showed his support by withdrawing his own amendment to Point 9, which would have inserted the words “the competent authority or authorities, collective agreements, or other appropriate means” after the word “regulations”. The Vice-Chairperson of the Employers’ group subamended the amendment by replacing the words “have a duty” with “take all reasonable steps”, and by replacing “in every aspect related to work” with “in agriculture”. The subamended text would have read: “National laws and regulations should provide that the employer should take all reasonable steps to ensure the safety and health of workers in agriculture.” The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, observed that the newly added term “reasonable” was not precise and therefore not acceptable. The Chairperson felt that, as the proposed Convention aimed at agricultural workers, it was unnecessary to repeat the word “agriculture” in every Point. The Drafting Committee would ensure the consistency of the final text. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, wished to retain the amendment as submitted, without the subamendment of the Employers’ group. The Vice-Chairperson of the Workers’ group pointed out that besides the Government members of the Committee Member States of the European Union, the African Government members of the Committee and the Workers’ group also supported the amendment as submitted. Considering the views expressed by the majority of the Committee, the Employer Vice-Chairperson withdrew his subamendment and the first paragraph was adopted without change.

89. The discussion turned to paragraph 2 of the amendment. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, noted that the paragraph followed the general ideas put forward in the Office text but replaced the text “National laws and regulations ... and all of them ...” by the words “whenever two or more employers or self-employed persons engage in activities in the same agricultural workplace, these ...”. The Worker Vice-Chairperson did not support this second part of the amendment. It provided a basis for laws which would require persons to cooperate, and it was not possible to legislate cooperation. Cooperation could be encouraged but it could not be a legal requirement. The Government member of Portugal proposed alterations in the French text that might allay the Worker Vice-Chairperson’s concerns, but these had no effect on the English text. She also pointed out that the second part of the amendment removed the words “national laws and regulations” from the sentence referring to cooperation. The representative of the Secretary-General, in response to enquiries as to whether text calling for such cooperation between parties had been included in other international labour standards, drew attention to similar but not identical provisions in Article 8, paragraph (2) of the Safety and Health in Construction Convention, 1988 (No. 167). The Government member of Hungary supported the proposal of the European Union members. The Worker Vice-Chairperson stated that his group was much more comfortable with the amendment taken as a whole with both paragraphs. He suggested that the Point would have to be revisited and clarified at the second reading of the proposed Convention, particularly regarding the assignment of primary responsibility when two or more employers were present. The Government member of Portugal agreed, noting that Article 17 of the Occupational Safety and Health Convention, 1981 (No. 155) could provide a model formulation for the fixing of responsibilities. The Worker Vice-Chairperson remained unhappy with the word “cooperate”, so the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, proposed to subamend the text to “Whenever two or more employers or self-employed persons
engage in activities in the same agricultural workplace, they should jointly seek ways and means for applying the safety and health requirements and if necessary, the competent authority should prescribe general procedures for this collaboration.” The Employer Vice-Chairperson expressed his preference for the original Office text. He added that it would be difficult for employers to assume responsibility for workers that were not their own, as was implied by the term “jointly”, and called for withdrawal of the second paragraph of the amendment. The Government member of Portugal acceded. However, subsequent comments by the Worker and Employer Vice-Chairpersons made clear that Point 9 would be incomplete with only the first paragraph, and repetitive if the original Office text were reintroduced as paragraph 9(2). The Government member of Hungary responded by resubmitting the amendment the text of paragraph 9(2) in the form first introduced by the Government member of Portugal. The Employer Vice-Chairperson reiterated his group’s objections to the text. The Government member of the United Kingdom introduced a subamendment to the resubmitted text, adding to the beginning of the text the words “National laws and regulations should provide that...”. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee; the Government member of Portugal speaking on behalf of the Government members of the Committee Member States of the European Union; and the Worker members, through the Worker Vice-Chairperson, supported the reintroduced paragraph 9(2) as subamended. The Employer Vice-Chairperson, considering the support for it, said he would not stand in the way of adoption of the amendment. However, he asked that the reservations of his group should be noted in the Office report.

90. Both paragraphs of the amendment were adopted as subamended.

91. An amendment submitted by the Government member of Japan, to replace the word “authority” by the word “authorities” was not seconded and thus was not discussed.

92. An amendment submitted by the Employers, to delete the words “and self-employed persons” from the original text of Point 9, was not discussed in consequence of the approval of the amendment of the Government members of the Committee Member States of the European Union, which contained the same phrase.

93. Point 9 was adopted as amended.

Point 10

94. An amendment submitted by the Government member of Japan, to insert after the word “authority” the words “or authorities” was not seconded. The Chair recalled the principle enunciated during previous debate on a similar amendment (paragraph 68 above), that the singular noun implied the plural in legal texts.

95. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom introduced an amendment to delete the words “, taking into account the size of the enterprise” from the introductory clause of Point 10: “In order to comply with the national policy referred to in Point 7, national laws and regulations or the competent authority should provide, taking into account the size of the enterprise, that the employer should:”. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, explained that risks needed to be assessed in all enterprises, regardless of size. The Employer Vice-Chairperson expressed regret that the Government member of Portugal and the other European Union Committee members had not given more reason for this proposal. The words “taking into account the size of the enterprise” were particularly important for developing countries, where most
farms were small and family-owned. In fact, such a provision could put such farms out of operation and thus threaten food supplies. Finally, he could not imagine how a family farmer in his country could possibly deal with such ensuing provisions as the obligation to develop “enterprise-level programmes”. The Worker Vice-Chairperson, on the other hand, felt that Point 10 as amended had the flexibility everyone desired. The level of the programmes concerned would be appropriate to each country. The Employer Vice-Chairperson pointed out that the provisions in Point 10 were not addressed to countries but to employers. It was unrealistic to place such burdens on small farmers. The Government member of Hungary asked whether the authors of the amendment could clarify what they thought “enterprise-level programmes” meant for farms with very few employees. In response the Government member of Portugal said that, when proposing the deletion of the reference to the size of the enterprise, they had taken account of the fact that subsistence farming was not considered to be “agriculture” in the sense of the Proposed Conclusions with a view to a Convention (Point 5 under “Definitions and scope”). For undertakings that were considered to be agricultural, clause 4(b) under “Definitions and scope” provided that the proposed Convention should cover them all, irrespective of size. A proposal by the Government of Hungary to postpone consideration of this amendment until other amendments related to the size of the undertaking could be discussed was not accepted by the Committee. The Employer Vice-Chairperson said his group was not convinced by the argument made by the Government member of Portugal, and referred back to the wording of clause 4(b), namely “all agricultural undertakings, irrespective of size”. If the Government member of Portugal insisted, then the Employers would call for a vote. The Government member of Portugal maintained her position, on the basis that risk was not proportionate to the size of an undertaking. The Government member of Hungary considered it difficult to decide on the relevant size of the enterprises targeted here, until the substantive issues in clauses 10(a) and (b) had been addressed, adding that he intended to abstain in the case of a vote. The same intention was indicated by the Government member of Zimbabwe, on behalf of the African Government members of the Committee (Algeria, Botswana, Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Egypt, Ethiopia, Ghana, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Senegal, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe), as his group felt the involvement of governments needed to be defined before the question of size could be considered. The Government members of India and the United States both expressed a preference for the Office text. An indicative vote requested by the Employer members showed insufficient support from the Government members for the amendment and it was withdrawn.

96. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom submitted to clause 10(a) a subamended amendment replacing the first part of the clause “adopt an enterprise-level programme providing for appropriate risks assessment” by “carry out a risk assessment to the safety and health of workers and on the basis of its results he/she should adopt”, followed by the remaining Office text. The amended clause would read: “(a) carry out risk assessments to the safety and health of workers and on the basis of their results, he/she should adopt preventive and protective measures to ensure that all agricultural activities, workplaces, machinery, equipment, tools and processes under their control are safe and comply with prescribed safety and health standards, under all conditions of their intended use; and”. The intention was to give employers flexibility in their choice of risk assessment method. The Employer members expressed their support, proposing in a subamendment the insertion of the word “appropriate” before “risk assessment”, which received the support of the Government member of Portugal. The amendment, as subamended by its authors and by the Employer members, was adopted.
97. In view of the acceptance of the previous amendment, an amendment to the same clause submitted by the Employer members fell.

98. The Employer members proposed that their amendment to clause 10(b), to delete the word “all” after the words “provided to” in the second line, be referred to the Drafting Committee. This was adopted.

99. The Government member of Brazil, on behalf of Argentina and Brazil, introduced an amendment to add a new clause to Point 10 as follows: “establish internal bipartite committees to deal with rural occupational safety and health matters”. The intention was to ensure the application to the agricultural sector of this concept which was generally used in occupational safety and health in these two countries. Whilst appreciating the intention behind the amendment, the Worker Vice-Chairperson was concerned about the manner in which it was drafted, which placed an obligation on employers to establish such committees and, by implication, to select the committee members, which was not acceptable to the Worker members. They preferred a formulation such as “a committee should be established …” which would not give employers such control. The Employer members opposed this amendment for several reasons: they did not understand the meaning of “internal” and “bipartite” in this context, found it discriminatory to require such committees in the agricultural sector when they were not required in other sectors, and considered that consultation between employers and workers was an issue already covered in other ILO instruments. The Government member of Bahrain, speaking also on behalf of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, opposed the amendment. The Government member of Brazil, speaking on behalf of Argentina and Brazil, withdrew the amendment and announced their intention to present the issue again at the second discussion.

100. The Government member of Brazil, speaking on behalf of Argentina and Brazil, submitted an amendment to add the following new clause to Point 10: “(e)stablish occupational safety, health and hygiene services to develop programmes for the elimination and control of occupational accidents and diseases.” This was opposed by the Employer members, who thought it served no purpose, introduced new and ill-defined concepts and, by placing responsibility on the employer to develop these programmes, appeared to suggest that small-scale farmers should stop producing crops and start developing programmes; the idea contained in the amendment was already stated in clause 10(a). In the absence of support from the Employer members and the Worker members, the Government member of Brazil withdrew the amendment.

101. Point 10 was adopted as amended.

Point 11

102. The Worker Vice-Chairperson proposed an amendment to clause 11(1)(a), to insert the words “including potential risks from new technologies” after the word “matters”. The intention was to recognize that as new technologies developed so the range of risks to workers also evolved. The Employer members were concerned about the words “potential risks”, which implied that employers had to inform workers about risks as yet unknown to anybody. Sympathizing with this concern, the Worker members proposed a subamendment removing the word “potential”, which left the text as “including risks from new technologies”. This attracted the support of the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee. The Employer Vice-Chairperson indicated he was well disposed to support it if it was subamended further to say “including known risks”, but this proposal was rejected by the Worker members who considered this formulation implied the need for scientific evidence, which was
impracticable. The Government member of Brazil stated his support for the Worker members' original wording. The Employer members withdrew their subamendment and the amendment as subamended by the Workers ("including risks from new technologies") was adopted.

103. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom submitted an amendment which would insert the words "taking into account the size of the enterprises" after the word "matters". She explained that enterprise size could vary considerably, and that small enterprises could encounter practical difficulties organizing a safety and health committee – which she noted had been a concern of the Employer members, too. She announced her intention to raise the question of the minimum number of workers required to elect their representatives in an enterprise during the second discussion. The Employer members expressed support for the amendment, on condition that it was subamended to refer to "enterprise" in the singular. He considered it inappropriate to specify a figure in a Convention, but that the text as subamended would cover the widely varying national situations with regard to enterprise size: what was considered large in one country was perceived as very small in another. The subamendment was adopted by the authors of the amendment, and supported by the Government member of Japan. The Government member of the United States explained that in his country all workers facing risks in the workplace had a fundamental right to know what they were expected to handle and that this was the case regardless of the size of the enterprise; he did not support the amendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, foresaw problems with the inclusion of size considerations as it would lead to a prescription for the minimum number of workers required for the formation of a health and safety committee to become compulsory. He proposed the following amendment to the original text as a compromise solution: "Workers in agriculture should have the right: (a) to be informed and consulted on safety and health matters, select safety and health representatives or their representatives in accordance with national laws and regulations," i.e. the deletion of the last phrase "and through those ... workplace inspections". This attracted the support of the Employer members; and the Worker members asked whether this formulation meant that workers and their representatives would be excluded from participating in workplace inspections. The Government member of Zimbabwe began to reply that this was taken into account in national laws and regulations, but this line of approach had to be abandoned for procedural reasons since it amounted to a new amendment to the original text, which could no longer be submitted. The Worker Vice-Chairperson wished it put on record that the proposal of the African Government members of the Committee concerned the idea that workers have the right to participate in a labour inspection arrangement in accordance with ILO principles. The Government member of Brazil stated that the Office text was identical to that used in Convention No. 176, Article 3 on workers’ participation in inspection, risk assessment and fighting occupational injuries, and that he preferred the Office text, as did the Government member of Bahrain, speaking on behalf also of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, withdrew the amendment on the understanding that the issue of the minimum number of workers required for the formation of a safety and health committee would be addressed in the second discussion.

104. An amendment was proposed by the Employer members replacing the text "select safety ... workplace inspections" with the words "and select their representatives in health and safety cooperation according to national law and practice". The Employer Vice-Chairperson explained that though they thought this point would be better placed in a Recommendation, if it were in a Convention then the Employer members would be
concerned about how practicable it was to have safety and health committees on all farms, regardless of size. His group did not oppose worker representation but had serious reservations about how such a provision would work in practice. National practice varied, as did concepts of large and small, but although national legislation often determined a threshold for the formation of such a committee (e.g. 50 or more workers), an international Convention could not specify a figure – hence the reference in the amendment to national law and practice. A further problem for the Employer members was the possibility that an interested party in a potential dispute might be able to participate in an inspection, hence the deletion required by their amendment. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, opposed the amendment on the grounds that it denied the right of workers to participate in safety and health committees. It was also opposed by the Government members of Brazil and of Zimbabwe, the latter on behalf of the African Government members of the Committee. The Employer members proposed a subamendment to reintroduce the part of the Office text which read: “select safety and health representatives or their representatives in safety and health committees” and continued the sentence by adding “in accordance with national law and practice”. The Worker members replied that the inspection in question involved both employers and workers. The Employer members replied that under national law and practice no inspection could be carried out without the inspector meeting the employers and workers and visiting the site. Workers could be either complainants or interlocutors but their participation in labour inspection as inspectors was not acceptable to the Employer members, who objected to the implication in the Office text that such participation might be possible. The Worker members disagreed that such an interpretation was possible. The Government members of Brazil, Canada, Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, and Zimbabwe, speaking on behalf of the African Government members of the Committee, rejected the amendment. The Government member of Lebanon considered that a clear limit needed to be set between the role of government inspectors and that of the workers; he could not endorse the amendment as it stood, but was ready to consider it if it was modified to meet his concern. The Employer members submitted a subamendment to add, at the end of the Office text, the words “at their workplace in conjunction with the employer and in accordance with national laws and regulations”. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (representing Botswana, Côte d’Ivoire, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa, Zambia and Zimbabwe), voiced concern that the amendment was still under consideration when numerous Government members and the Worker members had expressed a preference for the Office text. The Worker Vice-Chairperson challenged the receivability of the subamendment, asserting that it was really an amendment of the Office text and not a modification of the Employer members’ own amendment. The representative of the Secretary-General confirmed the Worker Vice-Chairperson’s reading of article 63.6 of the Standing Orders, but observed that the present case was different from the one addressed earlier, and that the proposed subamendment was compatible with the text as it stood at the time of the Employer members’ proposal. The Worker Vice-Chairperson and the Government member of Hungary called for the Committee to choose between the Office text and the version as amended and subamended by the Employer members. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government members of Austria, Belgium, Canada, Denmark, Finland, Greece, Hungary, India, Ireland, Poland, Portugal, Spain, Sweden and the United Kingdom all preferred the Office text. The Employer members withdrew their amendment.

105. A spokesperson of the Employer members introduced an amendment to replace all of clause 11(1)(b) by the following statement of the right of workers: “to remove themselves
from danger resulting from their work activity when they have reasonable justification to believe there is imminent and serious risk to their health and safety, and should inform their supervisor immediately”. The Worker Vice-Chairperson opposed this amendment, as his group did not understand how workers could “remove themselves from danger”. “Danger” was not a physical place; “danger” could be inherent in the nature of the work. The Employers put too much emphasis on location, and this restricted the meaning of the text. Perhaps “refuse work” should be used instead of “remove themselves”. The Government member of Hungary drew attention to the existence of similar text in the Chemicals Convention, 1990 (No. 170), and proposed a subamendment to align the amendment text with the text of that Convention. The Employer Vice-Chairperson indicated that his group would support such a subamendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the Workers’ position on the issue of the words “remove themselves from danger”, noting that location was only one of several factors. His group preferred the Office text and did not support the amendment, even as subamended by Hungary. The Government member of Brazil expressed a similar view. On the other hand, the Government member of Portugal speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), could support the Employers’ amendment without the subamendment proposed by the Government member of Hungary, on condition that the words “and thereby not be disadvantaged” be included at its end. The spokesperson of the Employer members drew attention to Article 13 of the Occupational Safety and Health Convention, 1981 (No. 155), which provided that “A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.” He did not propose it as a subamendment, but to show that “remove” was established in ILO instruments, as was the protection of workers who did remove themselves from danger. The Worker Vice-Chairperson and the Government member of Zimbabwe, speaking for the African Government members of the Committee, reiterated their concern that workers be able to refuse exposure to danger, rather than being entitled only to abandon a dangerous situation in which they found themselves. They preferred the Office text. The Government member of Hungary withdrew his subamendment. The Government member of Bahrain, speaking also on behalf of the Government members of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, recognized the concerns of the Worker and African Government members, but expressed support for the Employers’ amendment as subamended by the Government members of the European Union. The Government member of Brazil, on the other hand, noted that the Office text appeared to take inspiration from a similar provision in the Safety and Health in Mines Convention, 1995 (No. 176) – a more recent instrument – and thus supported the Office text. The Government member of Spain called attention to the fact that the Spanish translation of the amendment was not concordant with the text in the other two languages, so he could not support it. An indicative vote on the preference of the Government members for the Office text versus the amended version was inconclusive, so the amendment as subamended was put to a vote. It was adopted by 6,955 votes in favour, 6,500 votes against, with 130 abstentions. The Government member of Hungary noted that the text as adopted permitted workers to remove themselves only from situations that put both their health and their safety at risk.

106. Two amendments intended to modify the Office text in the vicinity of the words “hazardous work”, submitted by the Worker members and by the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom, were rendered redundant by the adoption of the previous amendment.
107. The Government member of the United Kingdom, speaking on behalf of the Government members of the Committee Member States of the European Union, introduced a sentence to be added at the end of paragraph 11(2), qualifying the cooperation between workers and employers: “This should not involve a transfer of responsibilities foreseen by national legislation.” He explained that the purpose of this addition was to ensure that the safety and health responsibility of the employer was not transferred to the cooperating workers. The Worker Vice-Chairperson said that he would like to support this amendment, but that he would not be able to explain the wording to his constituents. The amendment was thereupon withdrawn by its authors.

108. An amendment submitted by the Government member of Japan to add after the word “authority” the words “or authorities”, being identical to one that was not adopted under Point 10, was not discussed.

109. Point 11 was adopted as amended.

*Machinery safety and ergonomics*

Point 12

110. The Worker members submitted an amendment to include personal protective equipment among the types of equipment that would have to comply with safety and health standards. The spokesperson of the Employer members had no objection, and the amendment was adopted.

111. The Employer members submitted an amendment to paragraph 12(1) to replace the words “or other recognized safety and health standards” by “or other safety and health standards recognized by national legislation.” The spokesperson for the Employer members explained that this would bring the terminology here in line with the rest of the text. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, opposed the amendment as being incompatible with the use of standards promulgated by the International Organization for Standardization and the European Committee for Standardization. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that his group, too, would not support this amendment. At the urging of the Worker Vice-Chairperson, the Employer Vice-Chairperson withdrew the amendment.

112. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom submitted an amendment to specify that machinery and equipment should be “adequately installed, maintained and safe-guarded” where the Office text of 12(1) read “adequately maintained and guarded”. With the support of the Worker and Employer members the amendment was adopted.

113. The African Government members of Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe submitted an amendment to insert in the phrase “national or other recognized safety and health standards” the words “applicable international”. This was opposed by the Employer members on the grounds that the words “or other recognized” covered international standards. The Worker Vice-Chairperson recognized the desire of the African Government members to ensure that international standards could be used, but argued that the Office text permitted that. After the Government members of India and the Czech Republic expressed their preference for the Office text, the amendment was withdrawn by its authors.
114. Two amendments were considered jointly, one submitted by the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom to replace the existing text of paragraph 12(2) with the following text: "The competent authority should take measures to ensure that manufacturers, importers and suppliers comply with such standards and provide adequate and appropriate information to the users and the competent authority on request"; and the other submitted by the Government member of Zimbabwe, on behalf of the African Government members of the Committee, to insert the words "importers" after the word "manufacturers".

115. The Worker Vice-Chairperson stated his group could support this amendment if subamended by replacing "such" with "these", and by deleting the words "on request". The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, wished to retain the words "on request" as this information should not be provided automatically to the competent authority. Her position was supported by the Government member of Bahrain, speaking also for the Government members of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. The Worker members requested clarification of the intention of the amendment and the Government member of the United Kingdom, speaking on behalf of the Government members of the Committee Member States of the European Union, specified that the information in question should be supplied to the users automatically, but that the competent authority should have it only upon its (i.e. the competent authority’s) request. For the sake of clarity, he proposed a subamendment inserting “to” before the words “the competent authority on request”. The Worker members considered that the information was needed not only by the competent authority, but also by the users in a language they could understand. They could support the amendment as subamended provided that their concerns about the manner and language in which the information was communicated (raised in the amendment they would be submitting immediately afterwards) were satisfactorily addressed. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, also expressed support for the subamended amendment if their similar concerns about language raised in their coming amendment were satisfactorily addressed. The Government member of the Czech Republic also expressed her support. The amendment was adopted as subamended, and read: "The competent authority should take measures to ensure that manufacturers, importers and suppliers comply with these standards and provide adequate and appropriate information to the users and to the competent authority on request."

116. The Worker Vice-Chairperson submitted a subamendment to insert after the word "information" in the second line the words "including hazard warning signs and in the language of the importing country". The Worker members’ concern was that, particularly in countries with very low literacy rates, the information about risk should be expressed in a manner, e.g. a symbol such as a skull and crossbones, or a language readily understood by local users. The amendment was supported by the Government members of Canada, China, Finland, Greece, India, Italy, Portugal, Spain, and United States; as well as by the Government member of Bahrain, speaking also on behalf of the Government members of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. The Government member of Belgium also supported the amendment, but proposed a subamendment replacing the words "in the language(s) of the importing country" with "in the language of the user". The Employer members preferred the Office text but could accept the amendment if subamended by changing the words "in the language(s) of the importing country" to "in the language of the user", which would address the problems of countries with several official languages. The Government member of Sweden, whilst agreeing with the spirit of the amendment, felt it placed the burden of translation on manufacturers, not on importers where he felt it belonged. The Worker Vice-Chairperson
considered it cheaper and easier to use the “language(s) of the importing country”, since most multilingual countries evolved a linguafranca, rather than the language of the user, which could result in very open-ended commitments. His view was echoed by the Government member of Zimbabwe, on behalf of the African Government members of the Committee, who supported the original amendment. The Chairperson proposed simultaneously considering an amendment proposed by the African Government members of the Committee (Botswana, Côte d'Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe), the first part of which sought to insert the word “importers” after “manufacturers” and the second part of which sought to replace in the second and third lines the words “to the users and to the competent authority” with the words “in a language understood by the user and competent authority”. This amendment was supported by the Employer members and also by the Worker members who nevertheless wished to know the status of the words “including hazard warning signs” which had appeared in their amendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, offered to subamend their amendment to take into account the Worker members’ concern, an arrangement accepted by the Worker members. At this point, the Government member of Sweden, supported by the Government member of Norway, reiterated that the text, as it stood, also applied to manufacturers, who did not know the languages of all potential users. In their view, the responsibility for ensuring the information was in the appropriate language should rest with the employer. The Government member of Belgium added that the scope should cover not only equipment but all information related to hazards. Following consultations, agreement was found on a composite text which was submitted as a subamendment by the Employer members to the following effect: “The competent authority should take measures to ensure that manufacturers, importers and suppliers comply with these standards and provide adequate and appropriate information, including hazard warning signs, in the official language of the importing country to the users and to the competent authority on request”. The Worker members and the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, agreed with this formulation and the amendment was adopted, as subamended.

117. Point 12 was adopted as amended and subamended.

Point 13

118. The Employer members submitted a two-part amendment to clause 13(a), the first of which sought to replace the word “designed” with the word “suitable” and the second part of which proposed the deletion of “, and in particular ... transportation”. The Employer Vice-Chairperson explained the aim was to address safety and health issues arising from the use of agricultural equipment and machinery for purposes for which they were not intended; they considered that the transport of persons was covered in another part of the instrument. Following opposition from the Worker members, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government member of Sweden, the Employer members withdrew the first part of their amendment.

119. The Government member of India supported the second part of the Employer members’ amendment, but the Government member of Germany was very much opposed to it, because of the number of accidents in his country occurring as a result of the wrongful use of agricultural machinery and vehicles to transport passengers. The Government member of China supported the above amendment. He said that in China a wide variety of vehicles was used to transport both goods and people. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the
European Union, said that they could not accept this amendment, preferring an amendment of their own that would be discussed later. The Government member of Brazil proposed that if that amendment were discussed first, it would resolve some of the difficulties that had surfaced in the current debate. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, agreed to advancing discussion of the European amendment and withdrew an amendment of similar import submitted by his group.

120. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to add, in the second line, after the word “transportation”, the words “unless designed or adapted so as to carry persons”. The intention was to make it possible for vehicles not primarily designed for the transport of persons to be so used if they were properly adapted for this purpose. The Worker Vice-Chairperson concurred on the order of discussion, but said that his group still had concerns over the resulting text, according to which clause 13(a) would say that agricultural machinery and equipment “must be used only for work for which they are designed, and in particular, must not be used for human transportation unless designed or adapted so as to carry persons” (European amendment in italics). One had to recognize that transporting persons in trailers drawn by tractors was common in many parts of the world, but it was still necessary to protect children. He thus advanced a subamendment to add at the end of the text “, but in any event not children.” The Government member of Bahrain, speaking also on behalf of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, favoured the unmodified European amendment over the one put forward by the Employer members that had been under discussion immediately before. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, opposed the Worker members’ subamendment to their amendment. The Government member of Japan supported the European amendment, and withdrew a similar one of his own that was scheduled for later discussion. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that his group supported the original Office text, and would therefore not support the amendment with or without any subamendment. The spokesperson for the Employer members stated their opposition to the Worker members’ subamendment, and it was withdrawn by its authors. The Government member of Norway proposed an alternative subamendment, adding the word “safely” to the end of clause 13(a). The spokesperson for the Employer members and the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, said that they could support the proposal made by the Government member of Norway. The Vice-Chairperson of the Workers’ group could not endorse the subamendment, because it implied that machinery could, in principle, be designed not to carry persons safely. The spokesperson of the Employers’ group further subamended the text to read “unless designed, adapted or otherwise safe so as to carry persons”. As the Government members of Sweden and the United Kingdom had not lent their support to his subamendment, the Government member of Norway withdrew it. Therefore also the Employer members withdrew their subamendment and the Committee adopted clause 13(a) as amended by the Government members of the Committee Member States of the European Union.

121. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, presented an amendment to clause 13(b), proposing to delete the word “trained” after the words “operated by”, and the words “and authorized” after the word “competent”. In her view it was sufficient for agricultural machinery to be operated by a competent person. If the operator were
competent, training and authorization were not essential requirements. The Employer members endorsed the amendment, but the Worker Vice-Chairperson recalled that authorization was determined by the employers and workers concerned, and that “authorized” did not necessarily mean competent. They wished to retain the word “trained”, but not the word “authorized”. The Government member of the Czech Republic supported the original European amendment as giving a simple and clear statement. The Employer members supported the subamendment of the Workers’ group. The Committee adopted the amendment as subamended. Clause 13(b) now stated that agricultural machinery: “must be operated by trained and competent persons, in accordance with national law and practice.”

122. An amendment presented by the Government member of Japan, to replace an “and” in clause 3(b) by “or”, was rendered contradictory by the adoption of the previous amendment and was withdrawn.

123. An amendment submitted by the Employer members, to prefix “when necessary” to “authorized” in clause 13(b) was deprived of its meaning by the deletion of “authorized” in an earlier amendment and was withdrawn.

124. The Government members of Brazil and Argentina submitted an amendment to Point 13 in which they proposed to add a new clause, which would be numbered (c), as follows: “ergonomic principles should be taken into account concerning the design and use of machinery, equipment and tools.” The Vice-Chairperson of the Workers’ group, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government members of Austria, Belgium, Canada, Denmark, Finland, Germany, Portugal and Sweden expressed support for the amendment. Although the Employer members were ready to support the principle, they felt that the new text should be placed in the proposed Recommendation, and proposed a subamendment to that effect. They also asked the Government members of Brazil and Argentina to explain which ergonomic principles they were referring to in the amendment under consideration. The Government member of the United Kingdom, while endorsing the principle of the amendment, suspected that it might already be implicit in paragraph 12(1) and that a proper expression could be found by the Drafting Committee. The Government member of Spain found the formulation hard to understand and could not support the amendment. In the end, the Employer members withdrew the amendment after receiving the assent of the Committee to resubmit it when the proposed Recommendation came up for discussion.

125. An amendment submitted by the Employer members, similar to the unsuccessful subamendment of the Government member of Norway, was withdrawn without discussion.

126. Point 13 was adopted as amended.

Handling and transport of materials

Point 14

127. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to replace all paragraph 14(1) with the words “National laws and regulations should provide for safety and health requirements on handling and transport of materials, particularly on manual handling”. Neither the Worker members nor the Employer members could support the
amendment, which was seen as an interference in social dialogue and contrary to the principles of tripartite consultation, and the amendment was rejected.

128. The spokesperson for the Employer members introduced an amendment to delete mention of self-employed farmers from paragraph 14(1) and to add at the end the words “in accordance with national law and practice”. He withdrew the first part of the amendment from consideration by a subamendment, but received support for the “national law and practice” phrase from the Worker members, and the amendment was adopted as subamended.

129. An amendment submitted by the Government member of Japan, which would have replaced the words “of employers and workers and of self-employed farmers concerned” by the words “of employers and workers concerned, taking into consideration the views of the representative organization of self-employed farmers concerned, as appropriate”, was seen to have the same formulation as an earlier amendment that had been retained with modifications, and was referred to the Drafting Committee.

130. An amendment introduced by the Government members of Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe replaced the words “taking account of” by the words “taking into account” and “relevant” by pertinent. The former change was considered non-substantive and referred to the Drafting Committee; the second part was withdrawn.

131. The spokesperson for the Employer members introduced an amendment which would replace the text of paragraph 14(2) with “No worker should be required or permitted to engage in the manual transport of a load which, by reason of its weight, is likely to jeopardize his health or safety”. This text, he said, was drawn from the Maximum Weight Convention, 1967 (No. 127). The Worker Vice-Chairperson proposed inserting the words “handling or” between the words “manual” and “transport”, and the words “or nature” after the word “weight” to broaden the scope of the clause. The Employer members added these words in a subamendment. The amendment was adopted as subamended. Its adoption made redundant two amendments to introduce the nature of the load lifted as a factor, one submitted by the African Government members of the Committee, the other by the Worker members.

132. The Government member of Brazil, on behalf of himself and the Government member of Argentina, introduced an amendment to paragraph 14(2) that would replace the paragraph with the text: “When undertaking risk assessment, employers should ensure compliance with ergonomic principles concerning comfort and health of workers.” However, in doing so, he indicated that the amendment would be changed to a subamendment adding a new paragraph 14(3) instead of amending the existing paragraph 14(2). He noted that the reason for the amendment was to ensure that employers undertook risk assessment with regard to the handling and transport of material. The Employer Vice-Chairperson drew attention to the earlier agreement by the Committee to defer ergonomic issues to the discussion of the Proposed Conclusions with a view to a Recommendation, and subamended the amendment for the purpose of transferring it to the proposed Recommendation. The Committee adopted this subamendment, but the Government member of Brazil wished it recorded that his Government did not agree that this amendment be discussed in the context of a Recommendation and that it intended to resubmit the proposal at the second discussion.

133. Point 14 was adopted as amended.
Sound management of chemicals

Point 15

134. The Worker Vice-Chairperson submitted an amendment to clause 15(1)(a), to add after "agriculture" the words "using recognized international standards". The intention was that the basis required for the management of chemicals should be international standards. The Employer Vice-Chairperson stated his preference for the Office text, as he considered that the inclusion in a Convention of a reference to unspecified international standards was likely to hinder ratification. Noting the opposition to their amendment, the Worker members withdrew it.

135. A two-part amendment to clause 15(1)(b) submitted by the Worker members sought to add the word "sell" after the word "provide"; and to add at the end after the word "authority" the words "in appropriate local languages". The aim of the first part was clear; that of the second was to express this concern in the formulation already agreed by the Committee. The Employer members had no disagreement with the first part, but as regards the second part they had no recollection that the formulation here offered had been agreed. Rather, they recalled that the discussion under Point 12(2) about the language in which information on safety and health was conveyed had concluded with agreement on the words "in the official language of the importing country", which they therefore proposed in a subamendment. The Worker members agreed, and proposed a subamendment inserting the word "appropriate" before "official", to the following effect: "in the appropriate official language of the importing country". The whole amendment was adopted as subamended.

136. An amendment proposed by the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe) which sought to insert "applicable international" after "recognized" was withdrawn under D.75.

137. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment in two parts: the first to insert the word "store" after "transfer"; the second to insert the words "when required" after "to the users and". She immediately subamended the second part to read "on request" in English, in order to be consistent with the formulation agreed under paragraph 12(2); the intention here was the same, namely to avoid overloading the competent authority with detailed information. The Worker members supported both parts of the amendment on the clear understanding that preliminary information was readily provided and additional information provided when requested by the competent authority. The Employer members supported both parts on the same understanding. The amendment as subamended was adopted in its entirety.

138. The Government member of Japan proposed an amendment to clause 15(1)(c) to insert after the words "system of" the words "collection and disposal, where appropriate, including". The intention was to facilitate the disposal of used pesticide containers, an approach which would be acceptable to many countries. Evoking the similarities between this amendment and one proposed by the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), and another submitted by the African Government members of the Committee (Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, South Africa, United Republic of Tanzania, Zambia, and Zimbabwe), the
Chairman suggested the first part of the European Union's amendment and the other two amendments be considered simultaneously. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, agreed to proceed thus, as did the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee. The first part of the amendment (proposed by the Government members of the Committee Member States of the European Union) would replace the words “recuperation and recycling” by the word “disposal”. The Government member of Zimbabwe proposed a subamendment to his group’s amendment, inserting the word “collection”, retaining the word “recycling” and inserting the words “safe disposal”. The Government member of Japan indicated his agreement to this subamendment. His amendment as subamended would then read as follows: “collection and safe disposal, where appropriate, including”. The Employer members accepted the substance of the subamendment, requesting its referral to the Drafting Committee. The amendment, as subamended, was adopted.

139. The Government member of Portugal, on behalf of the Government members of the Committee Member States of the European Union, withdrew the first part of their amendment.

140. The Government member of Portugal then explained that the second part of the amendment proposed deleting the words “and to the environment” at the end of the text, on the grounds that practical issues like the environment should be addressed elsewhere. This was supported by the Employer members, but rejected by the Worker members as the safety of workers could not be guaranteed in an unsafe environment. Concern for the disposal of containers could not be separated from concern for the environment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, stressed the importance of environmental considerations for the safety and health of workers and opposed the amendment, as did the Government members of Brazil and Bahrain, the latter speaking on behalf of the Government members of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. The Government member of Portugal withdrew the second part of the amendment.

141. Point 15 was adopted as amended.

142. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to clause 16(2)(a), to insert after “handling” the word “application”. The amendment was supported by both the Worker members and the Employer members, the latter referring the use of the word “application” to the Drafting Committee. The amendment was adopted.

143. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), proposed an amendment to delete the whole of clause 16(2)(b). The Employer Vice-Chairperson expressed his support because, in his view, the subject was covered in the Chemicals Convention, 1990 (No. 170). The Worker Vice-Chairperson disagreed, and requested the withdrawal of the amendment. The Government members of Brazil, Canada and the United States all preferred the Office text, and the Government member of Portugal withdrew the amendment.
144. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to replace existing clause 16(2)(d) by the following text: "the storage of empty containers and of chemical wastes with a view to their elimination". The rationale was that containers often needed to be stored (with attendant dangers inter alia to agricultural land) before they were eliminated. The Worker members considered the proposed amendment an unwelcome alteration of the thrust of the text as formulated by the Office, which was the treatment and disposal of containers, while here the concern was their storage. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, proposed a subamendment that would make the text read "treatment and disposal of chemical waste". This attracted the support of the Worker Vice-Chairperson, on condition that there be no mention of the words "with a view to their elimination", as their inclusion would leave the situation open to abuse. However, the Government member of Portugal withdrew the amendment.

145. Point 16 was adopted as amended.

Agricultural facilities

Point 17

146. In introducing his group's amendment which, if adopted, would delete Point 17, the Employer Vice-Chairperson stated that, after much consideration, the Employer members wished to subamend it so as not to delete Point 17 but instead to replace the text with the following: "The construction, maintenance or repairing of agricultural facilities should be in conformity with national laws, regulations and requirements". This was done out of concern for the very wide and all-embracing definition of "agricultural facilities" to be found on page 7 of the English language version of Report VI(2). They were particularly concerned about possible requirements of temporary sheds and shelters, which would become subject to specific legislation. This amendment would give governments greater flexibility. The Worker Vice-Chairperson opposed the subamendment on procedural grounds, saying that it was a violation of article 63(6) of the Standing Orders of the International Labour Conference.

147. The Employer Vice-Chairperson said his understanding was that such a subamendment was within the rules; it had been introduced to expedite the work of the Committee.

148. Following an intervention by the representative of the Legal Adviser, who drew attention to the relevant provisions in article 63, the Chairperson ruled that the Employers' subamendment was within the rules. Subsequently, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, the Government member of Lebanon, speaking on behalf of Bahrain, Lebanon, Saudi Arabia, the Syrian Arab Republic and United Arab Emirates, the Government member of Portugal, speaking on behalf of the Committee Member States of the European Union, and the Government member of the United States indicated their support for the Office text. The Chairperson therefore considered the subamended amendment to have inadequate support. After a brief interval for internal consultation, the Employer Vice-Chairperson withdrew the amendment. In so doing, he emphasized that the Employer members had strong reservations about the text of Point 17 as it stood, and that they would be submitting amendments to this text at its second discussion. Following this, the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, withdrew their proposed amendment.
149. Point 17 was adopted.

**Animal handling**

Point 18

150. The Government member of Brazil withdrew an amendment proposed with the Government member of Argentina, which would have replaced the whole of Point 18 with the following text: “National legislation should prescribe safety and health standards for animal handling activities concerning animal husbandry areas, nurseries and stalls, waste management and preventive measures against zoonosis.”

151. The Employer Vice-Chairperson presented his group’s three-part amendment to Point 18, which sought to delete from the first line the words “National laws and regulations should provide that”; to insert the word “should” after the word “stalls” in the second line; and in the second and third lines to replace the words “or other prescribed safety and health standards” by the words “laws and regulations or other safety and health standards recognized by the national authorities”. The Employer members’ reservations about this point were similar to the ones they had expressed about Point 17, namely that it made the provision of legislation mandatory for ratifying countries. In their view, countries had the right to choose whether or not they wanted such legislation, and the Employer members’ amendment sought to make this more flexible. The Worker members, the Government member of Zimbabwe, on behalf of the African Government members of the Committee, the Government member of Portugal, on behalf of the Government Members of the Committee Member States of the European Union, the Government member of Bahrain, on behalf of Bahrain, Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, and the Government member of Canada all expressed their opposition to this amendment. The Employer Vice-Chairperson withdrew the amendment, reiterating the reservations he had expressed when withdrawing his group’s amendment to Point 17.

152. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to Point 18, to replace the word “prescribed” by the word “recognized”. With the support of the African Government members of the Committee (Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe) as well as the Employer and Worker members, the amendment was adopted.

153. The Worker members submitted an amendment to expand the phrase “comply with national or other recognized safety and health standards” by appending the words “using recognized international standards”. The Employer Vice-Chairman recalled that an earlier amendment in a similar vein had posed problems, and the Worker members responded by withdrawing the amendment.

154. Point 18 was adopted as amended.
IV. Other provisions

Young workers

Point 19

155. The Worker members submitted an amendment to replace the Office text of paragraph 19(1) by the words “Notwithstanding the provisions in other instruments, the minimum age for young workers who perform hazardous work should be no less than 18 years”. They wished to bring the language closer to that of the Worst Forms of Child Labour Convention, 1999 (No. 182), and to emphasize the expression “hazardous work”. The Employer Vice-Chairperson defended the Office text, which he felt adequately reflected the provisions of Convention No. 182. The Worker Vice-Chairperson withdrew the proposed amendment with the observation that, if the Office text were to be retained, it should include commas after the words “which” and “out”.

156. The Government member of Japan submitted an amendment to replace the words “likely to harm” by the words “prescribed in national laws and regulations as harmful work to”. He noted that the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), provided that national laws and regulations or the competent authority define harmful work in consultation with the most representative organizations of employers and workers, and said that the amendment was intended to capture this idea in simple terms. The Worker Vice-Chairperson felt that the Office text had been drafted with an eye to the existing instruments. The Employer members also favoured the Office text, which meant that the amendment was rejected.

157. The Government member of Portugal introduced an amendment submitted by the Government members of Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom, to insert a new paragraph after paragraph 19(1) to read: “The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority.” The Worker Vice-Chairperson remarked that the amendment was based on the Minimum Age Convention, 1973 (No. 138), whereas at present it was the Worst Forms of Child Labour Convention, 1999 (No. 182) which was considered authoritative. Article 4.1. of that Convention stated that “the types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned ...”. If there were a reference to a Convention, it should be Convention No. 182. The Vice-Chairperson of the Employers’ group had no problem with the substance of the amendment, but would support it only if the consultative phrase were included. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, agreed to include the consultative phrase. The Government member of Bangladesh drew attention to the similar amendment that he had presented, which he wished to be treated together with the European amendment. This was not technically possible, as his amendment had been directed at paragraph 19(2) whereas the European amendment followed paragraph 19(1). However, the Workers’ group lent its support on condition that the record show that the authority for the amendment was Convention No. 182 rather than Convention No. 138. The amendment was adopted as subamended.

158. The Government member of Bangladesh remarked that his amendment addressed the same issues of determination of hazardous work by the competent authority and consultation with employers’ and workers’ organizations as had the previously adopted amendment, and withdrew it in consequence.
159. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment in two parts to (1) replace the word "notwithstanding" by the words "in derogation" and, (2) after the word "training", insert the words "in particular concerning health and safety". The Employer Vice-Chairperson said that, with regard to part 1, "notwithstanding" was well understood, but not "derogation" in the context of paragraph 19(2). Concerning part 2, they did not see the necessity of such words, as training would of course cover health and safety as well as other matters. The Worker members concurred, adding that protection of the safety and health of children and young workers depended not simply on training in safety and health areas but on much wider training (e.g. the operation of machinery). The proposed amendment was rejected.

160. The Employer members submitted an amendment to delete the words "and of self-employed farmers" from paragraph 19(2). The Employer Vice-Chairperson acknowledged that the outcome of previous discussion of similar amendments should apply, so the amendment was not adopted.

161. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to add a new paragraph to Point 19 as follows: "This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of: (a) a course of education or training for which a school or training institution in primarily responsible; (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by a competent authority; or (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training."

162. In introducing this amendment, the Government member of Portugal, speaking for the Government members of the Committee Member States of the European Union, reassured the Committee that the authority for the text could only be Convention No. 138. On behalf of the authors, she subamended the amendment to replace the word "Convention" with "Point" so as to avoid confusion. The Government member of Norway expressed support for the amendment as subamended. The Worker Vice-Chairperson, however, said that his group could not support the amendment. It gave the impression that children and young persons in schools could be required to undertake hazardous work. The Employer Vice-Chairperson agreed, and also expressed concerns that the amendment was too detailed for a Convention and that it spoke not to the relationship between employer and worker but to the relationship between children and young persons and their schools. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the amendment. The Worker Vice-Chairperson asserted that the text, which had been derived from a provision of Convention No. 138 that spoke to the broader issue of the minimum age of employment, did not belong in a point which spoke to the minimum age for undertaking hazardous work. The authors withdrew the amendment, saying that they would come to the next session of the Conference with an amendment on which the Committee could reach consensus.

163. Point 19 was adopted as amended.
Temporary and seasonal workers

Point 20

164. An amendment to Point 20 submitted by the Government of Japan to qualify the equality of treatment of temporary and seasonal workers “in principle” failed to be seconded.

165. The Worker members submitted an amendment to add “contract work” to the title and text of Point 20. The Worker Vice-Chairperson noted that agriculture was seasonal by nature which implied a lot of migrant workers who were usually contract workers. The Employer Vice-Chairperson said that he had problems with the inclusion of contract work and urged the Worker members to withdraw it. They did so, on the understanding that the issue would be revisited in the future.

166. The Government members of Argentina and Brazil submitted an amendment to add a new paragraph to Point 20 as follows: “National laws and regulations should prescribe measures for the establishment of consortiums of employers to ensure safety and health protection to temporary workers.” The Government member of Brazil explained that the authors’ countries had been concerned about the large number of informal sector workers active in agriculture and their lack of protection. Employer consortiums had proven their value in providing continuity of protection to mobile workers, and the authors wanted to share this observation with the Committee. He then withdrew the amendment. The Worker Vice-Chairperson welcomed the introduction of the consortium concept and hoped that, with the involvement of trade unions in the two countries, the idea might find formal expression at the next discussion of the proposed instruments.

167. Point 20 was adopted without amendment.

Women workers

New Point after Point 20

168. The Worker members submitted an amendment to add a Point with the title “Women Workers”, which should read “Measures should be taken to ensure that the special needs of women are taken into account, especially in relation to pregnancy, breast-feeding and reproductive health.” The Employer Vice-Chairperson said that the issues raised were in the domain of maternity protection, not safety and health, and opposed the amendment. The Government members of the Committee Member States of the European Union, Brazil, Canada, Malaysia, Norway, all supported it. The Government member of Sri Lanka likewise supported the amendment, but asked that the next discussion of the proposed instruments take account of the outcome of the work of the Committee on Maternity Protection that was meeting for the second time as their Committee. The Government member of Zimbabwe, speaking on behalf of the African Government members, supported the amendment in principle, but felt it raised issues that should be addressed during the second discussion in one year’s time. The Employer Vice-Chairperson submitted a subamendment to shorten the Point to “Measures should be taken to ensure that women agricultural workers are not exposed to risks, especially in relation to pregnancy”, but it was rejected by the Worker members and the Government members of Austria, Bahrain, Belgium, Canada, China, Denmark, Germany, Greece, India, Italy, Korea, Norway, Portugal, Spain, Sri Lanka and Sweden. The Government member of the United Kingdom could not accept the subamendment because it was not in line with European Union legislation and it did not address risks to women of child-bearing age. The Government member of Finland also preferred the original amendment, but hoped that the Point would be formulated in conformity with the conclusions of the Committee on Maternity
Protection before the second reading of the proposed instruments. The Employer Vice-Chairperson withdrew the subamendment and the amendment was adopted.

169. The new Point was adopted without change.

Second new Point after Point 20

170. The Worker members submitted an amendment to add after Point 20 a new Point with the title “Working time arrangements” and the text “Measures should be taken to ensure that working time arrangements of agricultural workers are brought in line with general ILO provisions for other sectors.” The Worker members wished to draw the attention of the Committee and the Conference to the fact that working time arrangements had consequences for the safety and health of agricultural workers. The Employer Vice-Chairperson could not support the amendment, on the grounds that its substance was not related to the question of safety and health. The Government member of Sri Lanka remarked that the issue of working time was covered by other Conventions. However, as it was mainly women and young persons who suffered the adverse effects of poor working time arrangements, the amendment could be acceptable if subamended to that effect. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, expressed support for the point on the basis that occupational exposure limits for toxic substances and physical factors were based on typical work schedules. The Government member of Norway acknowledged that working time arrangements could have important consequences for the safety and health of workers and disagreed with the Employers’ rejection of the subject. However, he would prefer to take up the issue in next year’s discussion, after being able to see how the issue was handled in other ILO instruments. The Government member of the United Kingdom said that the subject of working time arrangements was considered an important one within the European Union, but for lack of instruction from his Government he had to reserve his position. The Government member of Austria expressed support for the amendment. The Worker members reassured the Committee that the amendment was not intended to prescribe nine-to-five working hours for the agricultural sector, but to permit consideration of the subject and facilitate consultations. At this point near the end of a sitting, the Employer members called for an immediate record vote. This led the Worker members to withdraw their amendment in deference to the working hours of the Committee’s interpreters, and to protest the tactics of the Employer members.

Welfare and accommodation facilities

Point 21

171. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), introduced a two-part amendment seeking to replace Point 21 with the following: “National laws and regulations should prescribe: (a) the provision of adequate welfare facilities in agriculture and (b) the minimum standards for accommodation for workers who live temporarily or permanently in the undertaking.”

172. The Government members of the Committee Member States of the European Union wanted agricultural workers to enjoy welfare facilities and accommodation above a minimum standard, but believed that the question of cost should be left to collective bargaining and should not be required in a Convention. The Employer members supported the amendment but submitted a subamendment in three parts, to the following effect: include in the opening lines and after the words “should prescribe” the words “after consultation with the representative organizations of employers and workers concerned”;

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replace in part (b) the words “minimum standards for” with the word “appropriate”; and, also in part (b), insert after the words “for workers who” the words “are required by the employer to”. As regards the last part, he said that the employer should not cover the cost of accommodation unless the worker had to stay at the location. The Worker members agreed with the EU Government members’ reasoning on the cost of accommodation, adding that this would probably be reflected in the negotiated wage package. They also agreed with the Employer members on consultation with representative organizations of workers and employers. However, they strongly objected to that part of the subamendment which would base the provision of accommodation on the requirements of the employer, as this could lead to abuses. On the latter point, the Worker members proposed a sub-subamendment which would replace the Employer members’ proposal of “are required by the employer to” with the words “are required by the nature of the work to”, thus leaving the matter to reasonable independent judgement, as opposed to the will of the employer.

173. The Government member of Norway then presented a sub-subamendment which would replace all of part (a) with the words “the provision of adequate welfare facilities for workers in agriculture at no cost to them” – text derived in part from his own amendment. This proposal was supported by the Worker Vice-Chairperson. The Employer Vice-Chairperson stated that he could support this sub-subamendment as well as the Worker members’ sub-subamendment. The amendment was adopted as subamended and sub-subamended.

174. The Chairperson drew the attention of the Committee to the remaining amendments concerning Point 21, saying they were nearly all covered by the contents of the subamended amendment just adopted. Subsequently, out of these remaining amendments, the Worker Vice-Chairperson withdrew his and the Employer Vice-Chairperson withdrew his. The Government members of Canada and Japan submitted amendments to insert the words “at no cost to them”. As these were functionally identical to the amendment of the Government member of Norway, which had been subsumed into the Employer members’ subamendment, they were not discussed further. The Government member of Brazil, however, speaking on behalf of Brazil and Argentina, wished their two amendments, both of which concerned the provision of transport for workers, to be discussed. In his view, transport was a strategic factor in his country’s efforts to reduce agricultural accidents and fatalities. The Worker Vice Chairperson was sympathetic to this view, but the Employer Vice-Chairperson was not, reminding the Committee of the earlier debate of the transport issue under Point 13 and pointing out that the issue here was accommodation; he opposed both amendments. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, could not support the first of these two amendments, which she saw as covered by Point 35 of the proposed Recommendation.

175. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, thought the concern poorly expressed and pointed out that the issue was the transport of persons, not materials, but nevertheless supported the amendment. The Government member of the United States stated that if transport was provided it clearly had to be safe transport, but that he was not convinced the issue was appropriate for a Convention on safety and health, and he could not support the amendment. An indicative vote was taken and showed a majority of governments opposed to the amendment, which was then withdrawn. The Government member of Brazil indicated his intention to raise the issue again as one needing to be taken into account in this context.

176. Point 21 was adopted as amended.
Insurance against occupational injuries and sickness

Point 22

177. An amendment submitted by the Employer members sought to transfer the whole of Point 22 and its title to the Recommendation under “IV. Other Provisions”. The Employer Vice-Chairperson explained that his group recognized the importance of insurance against occupational injuries and sickness, but considered it should be placed in the proposed Recommendation. The proposal would be very difficult to implement, as there was great variety of provision across the world, and by no means all countries had compulsory insurance schemes. Though his group believed workers injured on the job were entitled to adequate compensation, they felt the manner in which this was provided should be left to national law and practice. The Worker Vice-Chairperson considered it improper of employers to deny this point had a place in a proposed Convention – some countries had no cover for agricultural workers at all, hence the need for it to be in the proposed Convention not the proposed Recommendation. In any case, if the Employer members had problems with this issue, transferring it to a Recommendation would not make them go away. He therefore proposed a subamendment to include a reference to national law and practice as a way of addressing the inter-country differences in this sphere, as well as a statement that all countries should provide the same level of protection for all workers. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, stated he was against the amendment, as did the Government members of Austria, Denmark, Germany, Greece, Italy, Japan, Spain and the United Kingdom. The Employer Vice-Chairperson stated that their wish for this item to be transferred to the proposed Recommendation did not arise from a problem of substance with insurance; rather he wished to explore the Worker members’ proposal in order to find a way forward. The Worker Vice-Chairperson pointed out that a reference to national laws and practice already existed in paragraph 22(2) and, recognizing that some problems might exist for the Employer members and some governments, he urged the Employer members to withdraw their amendment and to state for the record the problems they encountered in this connection. The work of the Committee and secretariat was only half done, and additional information and analysis could be prepared by the Office on inter-country variations in this field and used in the second discussion. The Employer members reiterated that they had difficulty accepting the term “scheme of compulsory insurance” which they suggested replacing with “appropriate insurance”. Instead of the word “invalidity” they preferred the use of “incapacity” which could be temporary or permanent. The Employers then withdrew their amendment.

178. An amendment submitted by the Government member of Canada fell, having failed to be seconded.

179. An amendment submitted by the Government member of Japan sought to transfer the words “providing protection that is at least equivalent to that enjoyed by workers in other sectors” to the proposed Recommendation. It was withdrawn.

180. An amendment submitted by the Government member of Canada, to transfer paragraph 22(3) to the proposed Recommendation, was withdrawn before secondment was sought.

181. An amendment to paragraph 22(3) submitted by the Government member of Portugal, on behalf of the Government members of the Committee Member States of the European Union, was withdrawn.
182. An amendment to paragraph 22(3) proposed by the Government of Norway fell, having failed to be seconded.

183. An amendment proposed by the Government member of Japan, and intended to transfer the words “and measures should be taken for the progressive extension of coverage to the level provided for in paragraph (1) above” to the proposed Recommendation, was withdrawn. Its authors indicated their intention to resubmit it at the second discussion.

184. Point 22 was adopted as amended.

**D. Proposed Conclusions with a view to a Recommendation**

185. Point 23 was adopted.

I. General provisions

186. Point 24 was adopted.

**Point 25**

187. The Employer members submitted an amendment to delete all of Point 25, and immediately subamended it so that, rather than deleting the point, the amendment would insert the words “in accordance with national law and practice and” immediately before the words “in accordance with the ILO Tripartite Declaration...”. The Worker Vice-Chairperson supported the amendment as subamended, and it was adopted.

188. Point 25 was adopted as amended.

II. Occupational safety and health surveillance

**Point 26**

189. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Algeria, Botswana, Cameroon, Chad, Kenya, Lesotho, Namibia, South Africa and Zimbabwe), submitted an amendment to Point 26, to replace the word “policy” by the word “legislation”, to give an introductory clause saying that “the competent authority designated to implement the national legislation referred to in Point 7 should:”. The Worker Vice-Chairperson, supported by the Employer Vice-Chairperson, objected to this amendment, explaining that because Point 7, as amended, used the word “policy” it had to be used in this point. The amendment was consequently withdrawn.

190. An amendment submitted by the Employer members sought to insert the words “after consultation with the representative organizations of employers and workers concerned” after the words “Point 7 should”. The Employer Vice-Chairperson noted that this was no more than a cosmetic change but was needed to ensure that this point was consistent with earlier points. The representative of the Secretary-General suggested that this be taken up by the Drafting Committee. This was agreed.

191. The Employer members submitted an amendment to replace the word “problems” by the word “hazards” in clause 26(a), pointing out that the focus should be on the hazardous aspect of work and not problems generally. The Worker Vice-Chairperson objected to the amendment. His group believed that it was necessary to identify problems before a situation reached the stage of being hazardous and thus wished to retain the word “problems”. The Employer Vice-Chairperson withdrew the amendment.
192. The Employer members next submitted an amendment which, in the first and second lines of clause 26(b) after the words “hazards in agriculture” would insert the words “, so far as is reasonably practicable,”. Referring to the introductory remarks of the representative of the Secretary-General and a later intervention by the representative, in which “as far as is reasonably practicable” was deprecated in recognition of the “priority prevention principle” (see paragraphs 15 and 72), the Employer Vice-Chairperson asserted that the present context did not mention elimination, minimization and control, and so offered no reason to abandon the traditional formulation. The Worker Vice-Chairperson agreed that the use of this formulation should be reviewed by the Office over the coming year, but he did not agree that the present point should be amended to include it. He referred to the opening statement by the representative of the Secretary-General advising the Committee to avoid prolonged discussion on such wording. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Botswana, Côte d’Ivoire, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa, Zambia and Zimbabwe), and the Government members of the United Kingdom and the United States agreed with the Worker members’ position. The Employer Vice-Chairperson withdrew the amendment on the understanding that the principle invoked in the previous case also held in this one.

193. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment which would delete, in the second line of sub-clause 26(b)(i), after the word “health”, the words “in agriculture”. She said that if these words were not deleted this text could be seen to limit competent authorities to drawing only upon progress and knowledge specific to the field of agriculture, whereas in fact information from other sectors might also be useful. The Worker and Employer Vice-Chairpersons agreed with this reasoning, and the amendment was adopted.

194. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), withdrew an amendment to delete all of sub-clause 26(b)(ii).

195. The Employer members submitted an amendment to delete sub-clause 26(b)(ii), then subamended it to simply modify the text. replacing “general” by “working”, so that it would read “taking into account the need to protect the working environment from the impact of agricultural activities”. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that the Office text intentionally went beyond the working environment, because the effects of many agricultural operations, particularly those involving chemicals, could be felt well beyond the farm. He could not support the Employer members’ subamendment. The Employer Vice-Chairperson withdrew the amendment.

196. The Employer members submitted an amendment to delete sub-clause 26(b)(iii), which gave the competent authority a role in combating endemic diseases. The Employer Vice-Chairperson questioned the value of the sub-clause. He said that the word “endemic” created problems. The Worker Vice-Chairperson explained that it would be the responsibility of the competent authority, not of employers, to define endemic diseases and countermeasures. The Employer Vice-Chairperson felt that dealing with endemic diseases was going beyond the mandate of the ILO into the territory of the WHO. He proposed a subamendment to replace the word “endemic” by “agricultural work-related”, so the point would read: “specifying the steps to be taken in order to prevent or control the risk of agricultural work-related diseases for workers in agriculture”. The representative of the
Secretary-General and an expert pointed out that there were many diseases that were not caused by agricultural operations but which could propagate in the agricultural workplace. One example was malaria. If work was carried out in marshy or wet conditions, malaria could be a problem, not because of the work but because of the environment in which the work was carried out. The Employer Vice-Chairperson pointed out that the secretariat had used the same wording as in the subamendment, which should therefore be acceptable. The Worker Vice-Chairperson accepted the explanations from the secretariat and supported the Office text. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, likewise favoured the Office text. Put to a vote at the request of the Employer Vice-Chairperson, the amendment as subamended was rejected by 6,972 votes in favour, 10,500 votes against, with 84 abstentions.

197. The Government member of Brazil submitted an amendment to add a new sub-clause (iv) to clause 26(b) that gave the competent authority a mandate for “specifying that no work assignment in an isolated area should be carried out by a single worker and without an adequate possibility of communication”, to ensure timely care in the event of accident or emergency. The Worker Vice-Chairperson supported this, advancing a subamendment to replace “and” by “and/or”, as there were some cases when workers had to work alone, but could be provided with adequate communication. The Employer members wondered what the amendment meant in practice. Given the far-flung nature of agricultural undertakings in Africa, people frequently worked at a distance from one another, and it would not be economical to employ two people for every job, as the amendment seemed to imply; neither could most farmers afford a mobile telephone. The Employer members proposed to subamend the amendment by inserting the word “hazardous” prior to the word “work” and deleting the word “assignment” after the word “work”. They accepted the subamendment of the Worker members to add “/or” after the word “and”. Thus, the subamended text would read: “specifying that no hazardous work in an isolated area should be carried out by a single worker and/or without an adequate possibility of communication”. Whereas the Government members of Brazil and Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, accepted both amendments, the Worker Vice-Chairperson pointed out that the subamendment of the Employer members had changed the nature of the submission. In isolated places workers might encounter problems even if the work was not hazardous. The original intention was to put the emphasis on the isolated area, where a worker might not be able to call for help in case of danger. The Employer Vice-Chairperson thought that if remoteness itself caused no danger, there was no need to call for assistance. Therefore, he could accept the amendment only if it referred to hazardous work. Understanding that the Employers were ready to protect the workers in case of a hazard, the Worker members accepted the subamendment proposed by them. The Committee adopted the amendment as subamended.

198. The Government member of Brazil introduced an amendment to clause 26(c), to replace the whole text with the following: “establish tripartite committees involving also self-employed farmers, for the planning, implementation and follow-up of occupational safety and health measures in agriculture”.

199. The Employer Vice-Chairperson opposed the amendment on the grounds that consultations between four groups could not be referred to as tripartism, and that it was not spelled out whether the tripartite committees would be established at the enterprise or the national level. Referring to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), he recalled that many countries had already established tripartite committees at the national level. When the Worker members said that they preferred the formula of consultation proposed by the Government member of Japan, wherein the views of the self-employed were made known to employers and workers
through representative organizations, and could not support the amendment, the
Government member of Brazil withdrew it.

200. The Government member of Portugal, speaking on behalf of the Government members of
the Committee Member States of the European Union (Austria, Belgium, Denmark,
Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden
and the United Kingdom), withdrew the amendment to clause 26(c) that they had
submitted to replace the word “guidelines” by the words “information and guidance”.

201. The Employer Vice-Chairperson presented an amendment to clause 26(c) proposing to
replace the word “guidelines” by the words “safety and health information”, and to delete
the words “and self-employed farmers”. He believed that workers and employers needed
information on safety and health more than guidelines. The Worker members explained
that the term “guidelines” was broader, because it referred to policy and it explained how
to use safety and health information. The Employer members withdrew the amendment.

202. Point 26 was adopted as amended.

Point 27

203. The Vice-Chairperson of the Employers’ group proposed an amendment to Point 27, in
which he wished to replace paragraphs (1), (2) and (3) with the following text: “The
competent authority should establish a system for occupational safety and health
surveillance, taking into consideration the ILO Guidelines on Workers’ Health
Surveillance, adopted in 1997.” He said that it was the inclusion of the term “national
system”, which caused a problem for the Employer members, stressed the usefulness of the
information contained in the ILO Guidelines, and considered that it was unnecessary to list
the details in paragraph 27(2). The Worker members could not accept the deletion of the
aforementioned paragraphs, on the grounds that it was the role of a Recommendation to fill
out the corresponding Convention. The Employer members withdrew the amendment.

204. The Government member of Portugal, speaking on behalf of the Government members of
the Committee Member States of the European Union (Austria, Belgium, Denmark,
Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden
and the United Kingdom), withdrew an amendment to replace the words “a national
system” by “requirements” and delete the words “which should include both workers’
health surveillance and the surveillance of the working environment” from
Paragraph 27(1).

205. The Government member of Portugal, speaking on behalf of the Government members of
the Committee Member States of the European Union (Austria, Belgium, Denmark,
Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden
and the United Kingdom), submitted an amendment to replace “this system” by “these
requirements” and to insert the words “inter alia” before the list of factors to be monitored
in paragraph 27(2). They subamended the amendment to remove the replacement, in
consequence of their withdrawal of the preceding amendment. The second part was
retained, to make it clear that the list was not exhaustive. The Worker Vice-Chairperson
agreed with the amendment as subamended. The Employer Vice-Chairperson regretted that
the first part had been withdrawn and voiced opposition to the second part, which he said
would make the list in paragraph 27(2) open-ended. However, the Government member of
Zimbabwe, speaking on behalf of the African Government members of the Committee,
said that, for his group, the addition of the words “inter alia” was important because
important preventative and control measures might have been inadvertently left out. The
Employer Vice-Chairperson withdrew his opposition and the amendment was adopted.

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206. The Worker members withdrew an amendment that had also been intended to make the list of factors in paragraph 27(2) non-exhaustive.

207. The Worker Vice-Chairperson introduced an amendment to the list of factors which, at clause 27(2)(m) would insert the words “and mental” between the words “physical” and “efforts”. This would recognize that there were forms of injury other than physical (e.g. stress). The Employer Vice-Chairperson objected, saying that his group already had difficulty with the whole of clause 27(2)(m), as it was unclear how the competent authority, to whom Point 27 was addressed, could in practice monitor or control all these factors. The Government member of Zimbabwe, on the other hand, speaking on behalf of the African Government members of the Committee, felt that psychosocial factors like stress needed to be highlighted, and he supported the amendment. The Worker Vice-Chairperson offered piece-work as an illustration of stressful work. The Employer Vice-Chairperson withdrew his opposition and the amendment was adopted.

208. The Worker Vice-Chairperson introduced an amendment which would add to paragraph 27(2) a new clause (n) with the text “potential risks from new technologies”. He reminded the Committee of its debate and acceptance of similar wording under an earlier point in the Proposed Conclusions. The Employer Vice-Chairperson replied that, precisely because this issue had already been dealt with, it could be left out here. However, as the obligation in Point 27 was on the competent authority, the Employer members would not oppose it. The amendment was adopted.

209. The Government member of Brazil withdrew an amendment to add “electrical installations” to the list in paragraph 27(2).

210. The Worker Vice-Chairperson withdrew an amendment to add “unsafe work practices linked to payment systems” to the list in paragraph 27(2).

211. Point 27 was adopted as amended.

Point 28

212. The Employer members introduced an amendment to delete clauses (a) and (c) of Point 28, which called for the competent authority to “make provisions for the progressive extension of appropriate occupational health services for workers in agriculture” and to “progressively develop procedures for the recording and notification of occupational accidents and diseases concerning self-employed farmers”. They immediately subamended the amendment to remove the deletion of clause (c), but still felt that the extension of occupational health services to agriculture had already been dealt with in earlier points of the Proposed Conclusions. The Worker Vice-Chairperson opposed the amendment as subamended, saying that it was the custom and practice of the ILO to include in Recommendations provisions which had been included in Conventions. Member States, he pointed out, might not be able to ratify a Convention immediately but could apply the Recommendation, so repetition was in fact desirable. The Employer Vice-Chairperson withdrew the amendment.

213. The Government members of Algeria, Botswana, Cameroon, Chad, Kenya, Lesotho, Namibia, South Africa and Zimbabwe withdrew an amendment that they had submitted to replace the word policy by the word “legislation” in clause 28(b).

214. Point 28 was adopted without amendment.
III. Preventive and protective measures

Risk assessment and management

Point 29

215. The Government member of Portugal speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to replace the word “programme” by “a set of measures” in the introductory clause of Point 29. As subamended on introduction to maintain the proper word order, the amendment resulted in the initial clause reading “to give effect to Point 10, a set of measures on safety and health at the enterprise level should include:”. With the support of the Worker members and the Employer members the amendment was adopted.

216. The Employer members, as a result of the acceptance of the preceding acceptance, withdrew an amendment that they had submitted to replace “programme” by “initiative”.

217. The Employer members withdrew an amendment to delete the entire clause (a) under Point 29.

218. The Employer members withdrew an amendment to repeat “at the enterprise level” in clause (b) of Point 29.

219. The Government member of Canada withdrew an amendment to insert “define, identify and” before “eliminate the risk” in the elements of an enterprise-level programme enumerated in clause 29(b).

220. The Employer members withdrew an amendment to delete the specification of the means of risk minimization in sub-clause 29(b)(iii).

221. The Worker members submitted an amendment to replace “or” by “and/or” and add the words “and/or training” after the word “practices” in the same clause. With support from the Employer members, the amendment was adopted.

222. The Worker members submitted an amendment to add the words “at no cost to the worker” to the end of sub-clause (iv) of Point 29, which named the provision of protective equipment and clothing as an element of an enterprise-level safety and health programme. The Employer members voiced dissatisfaction with the amendment, but did not oppose it, and it was adopted by the Committee.

223. The Employer members submitted an amendment to delete the entire clause (c) of Point 29, which dealt with emergency response, first aid and access to medical facilities, because it might imply that the smallest farm would be obliged to provide medical facilities. The Worker Vice-Chairman agreed that the provision of medical facilities by every agricultural undertaking was impractical, but felt that it was reasonable to provide transportation to adequate medical facilities in the event of accident or emergency. He proposed a subamendment to say “access to appropriate transportation to medical facilities” instead of “access to appropriate transportation and medical facilities”, but the Employer Vice-Chairman withdrew the amendment with the suggestion that the Office seek a clearer formulation for the clause.
224. The Employer members withdrew an amendment to delete the entire clause (d) of Point 29, which included “procedures to record and notify accidents and diseases” among the elements of an enterprise-level programme.

225. The Employer members submitted an amendment to delete the entire clause (e) of Point 29, which included environmental protection measures among the elements of an enterprise-level programme. The Employer Vice-Chairperson explained that his group was not against the idea, but that it went beyond the scope of the Proposed Conclusions. The Worker Vice-Chairperson recalled that, earlier in the discussion, all parties had agreed that everyone had shared responsibility for the environment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, agreed that this principle had already been accepted during the consideration of the points of the Proposed Conclusions with a view to a Convention, and declared that including it in the Proposed Conclusions with a view to a Recommendation helped make it operational. His group could not support the amendment of the Employer members. The Employer Vice-Chairman interpreted the Office text as saying that if, for example, a person trespassed on a farm, the farmer would be responsible for the trespasser’s safety and health, which he felt to be an unacceptably heavy obligation on the farmer. He doubted that manufacturers had obligations to protect trespassers, people in the vicinity of their plants or the general environment, but requested clarification from the Office. An expert on the secretariat stated that it was not the intention of the Office to go beyond the responsibilities of the employer or the mandate of the ILO; the principles of preventing environmental pollution due to working practices and protecting the population around an enterprise were already enshrined in ILO instruments, such as the Chemicals Convention, 1990 (No. 170) and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174). The Employer members withdrew their amendment to delete clause 29(e).

226. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), withdrew their three-part amendment to clause 29(e), which sought to make a number of textual changes regarding protection of the environment from risks associated with agricultural activities.

227. The Employer Vice-Chairperson wished to put on record that his group would have wished to subamend their amendment to clause 29(e) to read “as far as reasonably practicable”, and withdrew the amendment to delete clause (f).

228. Point 29 was adopted as amended.

Point 30

229. The Government member of Portugal, speaking on behalf of the Government members of the Committee Members States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), withdrew their amendment to delete Point 30.

230. Point 30 was adopted without amendment.

New Point after Point 30

231. The Government members of Argentina and Brazil submitted an amendment to insert a new Point after Point 30, with the aim of promoting respect for ergonomic principles. The Employer Vice-Chairperson opposed the amendment on the grounds that it was
insufficiently specific and failed to indicate the party responsible for designing and applying ergonomic principles.

232. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the amendment addressing this crucial issue, for it was known that the design and use of certain machinery caused safety and health risks. The Government members of Malaysia and Spain supported the amendment. The Government member of the United States supported the principle involved but proposed a subamendment to refine the wording as follows: "Employers should not purchase or require the use of tools, machinery or equipment known to cause musculoskeletal disorders". The Employer Vice-Chairperson considered the responsibility lay with governments, which should not permit the sale of such machinery and equipment; employers could not be expected to ensure respect for ergonomic principles if the available machinery was not designed to do so. The Worker Vice-Chairperson agreed with the Employer members on this. The Government member of the United Kingdom considered that ergonomic principles should be applied to the more general provisions under Points 12 and 13.

233. The Government member of Sweden supported the amendment, saying that it was important to ensure that ergonomic principles were taken into consideration when machinery was conceived and designed. The Worker Vice-Chairperson considered this was a responsibility for governments and submitted a subamendment to read: "National laws and regulations should stipulate that tools, machinery and equipment which do not meet acceptable standards should not be sold/purchased in the country concerned". The Employer Vice-Chairperson proposed a subamendment along the same lines, to read: "The competent authority should ensure that ergonomic principles are taken into account in the design and manufacture of machinery, equipment and tools". This subamendment attracted the support of the Government member of Brazil and of the Worker members and the amendment was adopted as subamended.

234. The new Point was adopted as amended. The Committee requested that the Drafting Committee determine where this new Point should be inserted.

Sound management of chemicals

Point 31

235. The Worker Vice-Chairperson introduced an amendment to clause 31(2)(a), which added the words "at no cost to the worker" at the end. The Employer members indicated their support and the amendment was adopted.

236. An amendment submitted by the Worker members to insert at the end of clause 31(2)(b) the words "including measures to prevent pollution of drinking, washing and irrigation water sources" was intended to ensure clean water. The Employer Vice-Chairperson stated that while his group could accept the reference to prevention of pollution of drinking and washing water, it could not accept extending this to irrigation water. The text was aimed at practices such as the spraying of pesticides. In such cases, employers could ensure that drinking and washing water was protected from exposure but not that irrigation water was so protected. He offered a subamendment which would remove the words "and irrigation". The Government member of Spain considered the text should be improved to distinguish between irrigation water derived from wells and rainwater. The Government members of Germany, India, and Switzerland and the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, expressed support for the
amendment but not for the subamendment. The Employer Vice-Chairperson did not insist on his proposal and the amendment was adopted.

237. The Employer Vice-Chairperson submitted an amendment to replace clause 31(2)(c) and (d) with the following text: "hazardous chemicals which are no longer required and containers which have been emptied but which may contain residues of hazardous chemicals, should be handled or disposed of in a manner which eliminates or minimizes the risk to safety and health to the environment, in accordance with national law and practice". He pointed out that this text drew considerably on the language used in the Chemicals Convention, 1990 (No. 170). The Worker Vice-Chairperson felt that, as governments had the responsibility for environmental and recycling issues, their views were very important on this point. The Government member of the United Kingdom pointed out that, to be consistent with the text of Article 14 of the Chemicals Convention, the amendment should be subamended so as to insert the word "and" after the word "health" in the last line. The Worker Vice-Chairperson and the Employer Vice-Chairperson both agreed and the amendment was adopted as subamended. It was included as the new (c) of Point 31, thereby deleting (d).

238. An amendment submitted by the Government members of the Committee Member States of the European Union to clause 31(2)(d) was not discussed because of the acceptance of the amendment just described.

239. The Worker Vice-Chairperson introduced an amendment which would add a new clause at the end of paragraph 31(2), to read: "keeping a register of pesticide use". He considered this amounted to good management practice and was not controversial. The Employer Vice-Chairperson opposed the amendment, arguing that keeping such a register would impose an unnecessary burden on small farms. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the amendment, noting that the text was similar to that found in the Chemicals Convention 1990 (No. 170). The Government member of Germany also supported the amendment. The Government member of the United Kingdom proposed a subamendment to change "keeping a register of pesticides" to "keeping a register of the application of agricultural pesticides", a proposal which received the support of the Worker members. The Employer Vice-Chairperson indicated that his group would prefer the competent authority to keep such a register, as they would then know which farm used which pesticide. He stated that this proposal would pose problems for small farms in particular, where pesticides were bought in small quantities. The amendment was adopted as subamended.

240. Point 31 was adopted as amended.

Agricultural facilities

Point 32

241. The Employer Vice-Chairperson submitted an amendment to delete the whole of Point 32, which he felt was unclear. He could understand the application of technical standards to buildings but not to fences and rails, which he considered would be to go beyond the scope of the proposed Recommendation. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, pointed out that developing countries also had standards to this effect and that these technical standards should apply to specific conditions (confined spaces) which had specific hazards; his group did not support the amendment. The Employer members proposed a subamendment to delete the words "rails and fences". The Government member of the United Kingdom pointed out that
minimum standards did exist for railings and fences, especially where livestock was concerned. The amendment was withdrawn.

242. An identical amendment, to delete the application of technical standards to buildings, was withdrawn by the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom).

243. Point 32 was adopted.

Animal handling

Point 33

244. A two-part amendment was submitted by the Employer members to clause 33(a), to the following effect: in the first line, replace the words “at regular intervals” by the words “in accordance with veterinary standards and national law and practice”; and in the first line, delete the word “all”. The Employer Vice-Chairperson stated that the testing of animals did not have to be done at regular intervals; random testing or testing when there was an epidemic could sometimes suffice. Such situations should be governed by national conditions and practice. The Government members of Belgium, China, France, Italy, Norway and Spain supported the first part of the amendment, which was adopted. The Employer Vice-Chairperson suggested the second part of the amendment should be referred to the Drafting Committee.

245. An amendment was proposed by the Employer members to add a new clause under Point 33 stating “an obligation to workers to notify employers if they have any physical or medical condition that would render them susceptible to personal injury or disease when handling animals”. The Employer Vice-Chairperson explained that some workers had allergies to certain agents which, he argued, should be notified to the employer who would then assume liability in case of exposure. The Worker Vice-Chairperson objected to the amendment and asked why this pre-work health assessment should be imposed on agricultural workers and not on others.

246. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, did not support the amendment as its inclusion was likely to lead to abuse. The Government member of Brazil also opposed the amendment, as did the Government member of Spain, who considered it violated workers’ fundamental right to privacy. The amendment was withdrawn.

247. An amendment submitted by the Government members of Brazil and Argentina to add a new clause after clause 33(d), stating “the control of rodents and vectors for the prevention of zoonosis”, was withdrawn.

248. An amendment submitted by the Government members of Brazil and Argentina to add a new clause to Point 33, stating “instructions on safe working procedures to avoid accidents with animals”, was withdrawn.

249. Point 33 was adopted as amended.
IV. Other provisions

Self-employed farmers

New Point before 34

250. The Government member of Canada proposed an amendment to include a new Point before Point 34, with the following wording: “National laws and regulations should also provide for safety and health promotion in agriculture, through action programmes and educational tools, with a view to addressing, especially, the specific needs of independent farmers, seasonal workers and young workers.”

251. She referred to the earlier discussion of this amendment, during which it had been agreed that this amendment should be transferred for consideration in the text of the proposed Recommendation. She repeated the reasons for submitting this amendment (see paragraph 81 of this report). The Employer members proposed a subamendment to replace the word “independent” before “farmers” with the word “self-employed”, that being the usual term. The proposal was supported by the Government member of the United States and by the Worker members. The Government member of Norway made the point that the promotion of safety and health could only be done through national policy, not through national laws and regulations, and proposed a subamendment to replace the words “National laws and regulations” by “National policy”. The amendment was adopted as subamended.

252. The new Point was adopted for inclusion before Point 34 under “IV. Other provisions”.

Point 34

253. A two-part amendment to clause 34(2)(a) was proposed by the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom). The first part would insert the words “including the risk of musculoskeletal disorders” after the words “hazards”. The second part would insert the words “the design of safe work systems” after the word “agents”. The Worker members supported the first part of the amendment, but the Employer members did not. The Worker Vice-Chairperson stated he would have preferred an indicative list, but proposed to subamend the amendment, adding at the end of the introductory sentence the words “inter alia”, so that it would read: “These measures should include guidelines, appropriate advice and training to self-employed farmers to ensure, inter alia:”. The Government members of Portugal and Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, indicated support for this subamendment. The first part of the amendment was adopted as subamended.

254. The Employer Vice-Chairperson stated that his group would have preferred a form of words different from that proposed, but did not oppose the amendment since it related to the responsibility of governments. The second part of the amendment was adopted.

255. An amendment to paragraphs 34(1) and (2) was submitted by the Worker members, to include the words “and workers” after the word “farmers” in the title and two parts of Point 34. The Employer members objected that the entire point was devoted to self-employed farmers, even listing situations specific to them. The Worker members explained that protection should also be extended to workers who went from farm to farm in search
of employment. On the insistence of the Employer members that self-employed farmers
could not be equated with workers, the Worker members withdrew their amendment.

256. Point 34 was adopted as amended.

Welfare and accommodation facilities

Point 35

257. An amendment to the introductory line of Point 35 submitted by the Employer members to
insert after the words “as appropriate” the words “and in accordance with national law and
practice” was adopted.

258. An amendment to clause 35(a) proposed by the Worker members, to insert the word “safe”
after the word “of”, was adopted.

259. An amendment to clause 35(a) proposed by the Government member of Zimbabwe,
speaking on behalf of the African Government members of the Committee, to replace the
word “drinking” by the word “potable”, was withdrawn.

260. The Worker members submitted an amendment to clause 35(b) to insert the words “and
washing” after the word “storage”, to insert the word “personal” after the word “of” and to
add, after the word “clothing”, the words “and equipment at no cost to the worker”, to
read: “facilities for the storage and washing of personal protective clothing and equipment
at no cost to the worker;”. The Employer members considered the Office text was
sufficient and found the amendment difficult to understand. The Worker members
explained that the inclusion of the word “washing” aimed at ensuring that the workers
would have at their disposal facilities for washing their clothes. Although they believed
that protective clothes should be personal, the Worker members indicated their readiness to
delete from their amendment the words “personal” and “and equipment”, as the proposed
Recommendation had already included provision for “personal” and “at no cost to the
worker”. The Committee adopted the amendment as subamended, which read: “facilities
for the storage and washing of protective clothing, at no cost to the worker”.

261. An amendment to clause 35(c) was submitted by the Worker members to insert after the
word “eating” the word “warm”, and after the word “meals” the words “including for those
working in the fields”. The Employer members commented that more often than not there
were no facilities in the fields to cook warm meals and workers had to take cold food to
eat. The Worker members explained that they had in mind people who were working in a
remote area for a certain period. When the Employer members indicated their intention to
call for a vote on this amendment, the Worker members withdrew the amendment.

262. The Worker members submitted an amendment to Point 25(d), adding after the word
“workers” the words “including for those working in the fields”; to read: “separate sanitary
and washing facilities for men and women workers, including for those working in the
fields;”. The Worker members stated that they felt strongly about the inclusion of this
amendment. The Employer members explained that such provision was often impossible in
towns and therefore even more often impossible in the fields; they asked the Worker
members not to insist on the point. The Worker members explained they had in mind
mobile chemical toilets, and pointed out that the Committee was formulating a
Recommendation which would remain valid for a long time – something that seemed
impossible now could become possible in future. The Employer members maintained their
opposition to the amendment, pointing out that the words “as appropriate” covered the
concerns of the Workers’ group. The Worker members replied that toilets were a necessity
and that employers should be able to afford the construction of simple toilets. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, stated that the question was important from the point of view of disease control. When building a factory, the employer was obliged to provide sanitary facilities and this should also be the case in agriculture; the important point was to make progress. Put to a vote at the request of the Employer Vice-Chairperson, the amendment was accepted by 9,156 votes in favour, 8,064 votes against, with 504 abstentions.

263. An amendment proposed by the Government member of Zimbabwe, on behalf of the African Government members of the Committee, to insert the word “or” after the word “and”, in clause 35(e), was withdrawn.

264. The Employer Vice-Chairperson introduced an amendment calling for the deletion of clause 35(f). He considered that the existing text, which called upon employers to provide transport to and from the workplace, was unfair as it required agricultural employers to do something not required of employers in other sectors. The Employer members did not object to a requirement on employers to provide transport from one workplace to another, but not from home to work and back. In a spirit of compromise, the Worker members stated that they would accept – if the Employer members would – the text of an amendment to clause 35(f) submitted by the Government members of the Committee Member States of the European Union. That amendment, which had not yet been formally introduced, called for clause 35(f) to be replaced by the words “work-related transportation”. The Employer members agreed to this proposal and withdrew their amendment. The amendment of the Government members of the Committee Member States of the European Union was adopted without discussion.

265. An amendment to clause 35(f) proposed by the Worker members to insert the word “safe” before the word “transportation” was withdrawn, on the basis that elsewhere in the instrument the Employer members had accepted that transport was assumed to mean safe transport.

266. An amendment proposed by the Government members of Brazil and Argentina, to add at the end of clause 35(f) the words “in vehicles intended exclusively for the safe transport of passengers”, was withdrawn.

267. A two-part amendment was submitted by the Worker Vice-Chairperson to add two new clauses to Point 35, according to the following text: “1. emergency medical facilities; 2. crèche or child-care facilities as appropriate, and to recognized standards, to prevent children from being taken into the fields and exposed to hazards”. He immediately withdrew the first part, as the issue had been covered in an earlier discussion. As for the second part, his group felt this to be a fair and reasonable proposal. The Employer Vice-Chairperson requested, and was granted, a short break to discuss this matter with his group. He then stated that, in view of the fact that most governments and even the International Labour Office did not provide crèche and child-care facilities for their employees, the Employer members failed to see why agricultural employers should be expected to provide such facilities. The Employer members opposed the amendment and called for a vote. The Worker Vice-Chairperson spoke of the desirability of crèches and child-care facilities, but recognized that in many countries such provision did not exist. He withdrew the amendment.

268. Point 35 was adopted as amended.
269. The Employer Vice-Chairperson stated his wish that the record vote taken at the beginning of the Committee’s work be recorded in detail. 

Consideration and adoption of the report, Proposed Conclusions and a resolution

270. At its 16th sitting, the Committee adopted its report, subject to changes requested by several members, as well as the Proposed Conclusions as presented at the end of the report. The Committee also adopted a resolution to place on the agenda of the next ordinary session of the International Labour Conference an item entitled “Safety and health in agriculture” for a second discussion regarding the proposed adoption of a Convention and a Recommendation.

271. Changes requested by the Employer members, the Worker members and the Government members of Côte d’Ivoire, Japan, Portugal and the United Kingdom were noted and incorporated in the report. The representative of the Legal Adviser acknowledged problems with the style of one paragraph in the French version of the original Proposed Conclusions; certain expressions could be better harmonized, but the demands of parallelism between English and French were difficult to resolve.

272. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, wished to put on record their feeling that the inclusion of the results of the record vote as an annex was unnecessary, as the final outcome of the Committee’s work should stand on its own.

273. The report of the Committee, the Proposed Conclusions and the resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Safety and health in agriculture” are submitted for consideration.


(Signed) A.A. George,  
Chairperson.

A.B. Che’Man,  
Reporter.

3 See Annex.
Proposed Conclusions

A. Form of the international instruments

1. The International Labour Conference should adopt international standards concerning safety and health in agriculture with the aim of ensuring that workers in agriculture enjoy safety and health protection that is equivalent to that provided to workers in the other sectors of the economy.

2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Proposed Conclusions with a view to a Convention and a Recommendation

PREAMBLE

3. (1) These standards should include a Preamble providing that the measures envisaged should be taken in the light of the principles embodied in the Occupational Safety and Health Convention and Recommendation, 1981; and the Occupational Health Services Convention and Recommendation, 1985.


(3) The Preamble should also include a reference to the wider framework of the principles embodied in other ILO instruments relevant to agriculture and stress the need for a coherent approach to the sector.

(4) Among the cited Conventions it is proposed to include: the Freedom of Association and Protection of the Right to Organise Convention, 1948; the Right to Organise and Collective Bargaining Convention, 1949; the Minimum Age Convention, 1973; and the Worst Forms of Child Labour Convention, 1999.

(5) Reference should also be made to the ILO Codes of Practice on Recording and Notification of Occupational Accidents and Diseases, 1996, and on Safety and Health in Forestry Work, 1998.

(6) Reference should also be made to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

C. Proposed Conclusions with a view to a Convention

The Conclusions with a view to a Convention should include the following provisions:
I. DEFINITIONS AND SCOPE

4. For the purpose of the Convention the term “agriculture” should cover:

(a) all activities (whether indoor or outdoor) directly related to cultivating, growing, harvesting and primary processing of agricultural products; to animal and livestock breeding including aquaculture; and to agro-forestry;

(b) all agricultural undertakings, irrespective of size; and

(c) all machinery, equipment, appliances, tools, agricultural installations and any process, storage, operation or transportation, in an agricultural workplace, directly related to agricultural production.

5. For the purpose of the Convention the term “agriculture” should not cover: subsistence farming; industrial processes that use agricultural products as raw material and the related services; and any work performed in a forest related to industrial exploitation of forests.

6. (1) The competent authority of a Member which ratifies the Convention, after consultation with the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate:

(a) may exclude certain agricultural undertakings or limited categories of workers from the application of the Convention, or certain provisions thereof, when special problems of a substantial nature arise; and

(b) should, in the case of such exclusions, make plans for progressively covering all undertakings and all categories of workers.

(2) Each Member should list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any undertaking or category of workers which may have been excluded, giving the reasons for such exclusions. In subsequent reports, it should describe the measures taken with a view to progressively extending the provisions of the Convention to the workers concerned.

II. GENERAL PROVISIONS

7. (1) In the light of national conditions and practice and after consultation with the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate, Members should formulate, carry out and periodically review a coherent national policy on safety and health in agriculture, with the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment.

(2) To this end, national laws and regulations should:
(a) designate the competent authority responsible for the implementation of the policy and for the enforcement of national laws and regulations on occupational safety and health in agriculture;

(b) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies in the agricultural sector and define their functions and responsibilities taking into account their complementarity and national conditions and practice;

(c) specify the rights and duties of employers and workers and self-employed farmers with respect to safety and health in agriculture; and

(d) provide for corrective measures and appropriate penalties including, where appropriate, the suspension or restriction of agricultural activities on safety and health grounds, until the conditions giving rise to the suspension or restriction have been corrected.

8. (1) Members should ensure that an adequate and appropriate system of inspection for agricultural workplaces is in place and is provided with adequate means.

(2) Where necessary, the competent authority may either entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services or public institutions or associate these services or institutions with the exercise of such functions.

III. PREVENTIVE AND PROTECTIVE MEASURES

General

9. (1) National laws and regulations should provide that the employer has a duty to ensure the safety and health of workers in every aspect related to the work.

(2) National laws and regulations should provide that, whenever two or more employers or self-employed persons engage in activities in the same agricultural workplace, they should cooperate in applying the safety and health requirements. In appropriate circumstances the competent authority should prescribe general procedures for this collaboration.

10. In order to comply with the national policy referred to in Point 7, national laws and regulations or the competent authority should provide, taking into account the size of the enterprise, that the employer should:

(a) carry out appropriate risk assessments to the safety and health of workers and on the basis of these results, adopt preventive and protective measures to ensure that all agricultural activities, workplaces, machinery, equipment, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards, under all conditions of their intended use; and

(b) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, taking into account their level of education and differences in language.

11. (1) Workers in agriculture should have the right:
(a) to be informed and consulted on safety and health matters including risks from new technologies, to select safety and health representatives or their representatives in safety and health committees and through those representatives to participate in workplace inspections;

(b) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health; they should inform their supervisor immediately. They should not be disadvantaged as a result of these actions.

(2) Workers in agriculture and their representatives should have the duty to cooperate and comply with the prescribed safety and health measures to permit compliance with the duties and responsibilities placed on employers.

(3) The procedures for the exercise of the rights and duties referred to in paragraphs (1) and (2) above should be regulated by national laws and regulations, the competent authority, collective agreements or other appropriate means.

Machinery safety and ergonomics

12. (1) National laws and regulations should prescribe that machinery, equipment, including personal protective equipment, appliances and hand tools used in agriculture comply with national or other recognized safety and health standards and be appropriately installed, maintained and safeguarded.

(2) The competent authority should take measures to ensure that manufacturers, importers and suppliers comply with these standards and provide adequate and appropriate information including hazard warning signs, in the official language of the importing country, to the users, and, on request, to the competent authority.

13. National laws and regulations should prescribe that agricultural machinery and equipment:

(a) must be used only for work for which they are designed, and in particular, must not be used for human transportation, unless designed or adapted so as to carry persons; and

(b) must be operated by trained and competent persons, in accordance with national law and practice.

Handling and transport of materials

14. (1) The competent authority, after consulting the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate, should establish safety and health requirements for the handling and transport of materials, particularly on manual handling, on the basis of risk assessment, technical standards and medical opinion, taking account of all the relevant conditions under which the work is performed, in accordance with national law and practice.

(2) Workers should not be required or permitted to engage in the manual handling or transport of a load, which by reason of its weight or nature is likely to jeopardize their safety or health.
Sound management of chemicals

15. The competent authority should take measures, in accordance with national law and practice, to ensure that:

(a) there is an appropriate national system establishing specific criteria for the importation, classification, labelling and banning or restriction of chemicals used in agriculture;

(b) those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture, comply with national or other recognized safety and health standards, and provide adequate and appropriate information to the users in the appropriate official languages of the country and, on request, to the competent authority;

(c) a suitable system of collection and safe disposal, where appropriate, including recuperation and recycling of empty containers of chemicals is in place to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

16. (1) National laws and regulations or the competent authority should ensure that there are preventive and protective measures for the use of chemicals at the enterprise level.

(2) These measures should cover the following areas:

(a) the preparation, handling, application, storage and transportation of chemicals;

(b) the release of chemicals resulting from agricultural activities;

(c) the maintenance, repair and cleaning of equipment and containers for chemicals; and

(d) the disposal of empty containers and the treatment and disposal of chemical wastes.

Agricultural facilities

17. National laws and regulations should prescribe safety and health requirements for the construction, maintenance or repairing of agricultural facilities.

Animal handling

18. National laws and regulations should provide that animal handling activities, animal husbandry areas and stalls comply with national or other recognized safety and health standards.

IV. OTHER PROVISIONS

Young workers

19. (1) The minimum age for assignment to work in agriculture which, by its nature or the circumstances in which it is carried out, is likely to harm the safety and health of young persons should not be less than 18 years.
(2) The types of employment or work to which paragraph (1) above applies should be determined by national laws and regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate.

(3) Notwithstanding the provisions in paragraph (1) above, national laws or regulations or the competent authority might, after consultation with the organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate, authorize such assignment as from 16 years of age on condition that appropriate prior training is given and the safety and health of such persons are fully protected.

Temporary and seasonal workers

20. Measures should be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable full-time workers in agriculture.

Women workers

21. Measures should be taken to ensure that the special needs of women agricultural workers are taken into account, especially in relation to pregnancy, breast-feeding and reproductive health.

Welfare and accommodation facilities

22. National laws and regulations should prescribe, after consultation with the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate:

(a) the provision of adequate welfare facilities in agriculture at no cost to the worker; and

(b) the appropriate accommodation for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

Insurance against occupational injuries and sickness

23. (1) Workers in agriculture should be covered by a scheme of compulsory insurance against occupational injuries and sickness, invalidity and other similar risks providing protection that is at least equivalent to that enjoyed by workers in other sectors.

(2) Such a scheme can either be part of a national scheme or take any other appropriate form consistent with national laws and practice.

(3) Where economic, social and administrative conditions do not permit the inclusion in such a scheme of self-employed farmers and their families, including persons of small means working on their own account in agriculture, such persons should be covered by a special insurance scheme and measures should be taken for the progressive extension of coverage to the level provided for in paragraph (1) above.
D. Proposed Conclusions with a view to a Recommendation

24. The provisions of the Recommendation supplementing the Convention should be applied in conjunction with those of the Convention. The Proposed Conclusions with a view to a Recommendation should include the following provisions:

I. GENERAL PROVISIONS

25. In order to give effect to Point 8, the measures concerning labour inspection in agriculture should be taken in the light of the principles embodied in the Labour Inspection (Agriculture) Convention and Recommendation, 1969.

26. Multinational enterprises should provide adequate safety and health protection for their workers in agriculture in all their establishments, without discrimination and regardless of the place or country in which they are situated, in accordance with national law and practice and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

II. OCCUPATIONAL SAFETY AND HEALTH SURVEILLANCE

27. The competent authority designated to implement the national policy referred to in Point 7 should, after consultation with the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate:

(a) identify major problems, establish priorities for action, develop effective methods for dealing with them and periodically evaluate the results;

(b) prescribe measures for the prevention and control of occupational hazards in agriculture:

(i) taking into consideration technological progress and knowledge in the field of safety and health, as well as relevant standards, guidelines and codes of practice adopted by recognized national or international organizations;

(ii) taking into account the need to protect the general environment from the impact of agricultural activities;

(iii) specifying the steps to be taken in order to prevent or control the risk of endemic diseases for workers in agriculture; and

(iv) specifying that no hazardous work in an isolated area should be carried out by a single worker and/or without an adequate possibility of communication;

(c) prepare guidelines for employers and workers and self-employed farmers.

28. (1) The competent authority should establish a national system for occupational safety and health surveillance which should include both workers' health surveillance and the surveillance of the working environment.

(2) This system should include the necessary risk assessment and, where appropriate, preventive and control measures with respect to inter alia: (a) hazardous chemicals;
(b) toxic, infectious or allergenic biological agents; (c) irritant or toxic vapours; (d) hazardous dusts; (e) carcinogenic substances or agents; (f) noise and vibration; (g) extreme temperatures; (h) solar ultraviolet radiations; (i) transmissible animal diseases; (j) contact with wild or poisonous animals; (k) the use of machinery and equipment, including personal protective equipment; (l) the manual handling or transport of loads; (m) intense or sustained physical and mental efforts and inadequate working postures; and (n) risks from new technologies.

(3) Special health surveillance measures for young workers and pregnant and nursing women should be taken, where appropriate.

29. The competent authority should:

(a) make provisions for the progressive extension of appropriate occupational health services for workers in agriculture;

(b) establish procedures for the recording and notification of occupational accidents and diseases in agriculture, in particular for the implementation of the national policy and the development of preventive programmes at the enterprise level; and

(c) progressively develop procedures for the recording and notification of occupational accidents and diseases concerning self-employed farmers.

III. PREVENTIVE AND PROTECTIVE MEASURES

Risk assessment and management

30. To give effect to Point 10, a set of measures on safety and health at the enterprise level should include:

(a) occupational safety and health services;

(b) risk assessment and management measures in the following order of priority:

(i) eliminate the risk;

(ii) control the risk at the source;

(iii) minimize the risk by means that include the design of safe work systems, and/or the introduction of technical and organizational measures and safe practices and/or training;

(iv) in so far as the risk remains, provide for the use of personal protective equipment and clothing, at no cost to the worker;

(c) measures to deal with accidents and emergencies including first aid and access to appropriate transportation to medical facilities;

(d) procedures for the recording and notification of accidents and diseases;

(e) appropriate measures to protect persons present at an agricultural site, the population in the vicinity of it and the surrounding general environment, from risks which may
arise from the agricultural activity concerned, such as those due to agrochemical waste, livestock waste, soil and water contamination, soil depletion and topographic changes; and

(f) measures to ensure that the technology used is adapted to climate, work organization and working practices.

**Machinery safety and ergonomics**

31. To give effect to Point 12(2), measures should be taken to ensure that technology, machinery and equipment, including personal protective equipment are adapted to the needs of the importing countries.

32. The competent authority should ensure that ergonomic principles are taken into account in the design and manufacture of machinery, equipment and tools.

**Sound management of chemicals**

33. (1) The measures envisaged concerning the sound management of chemicals in agriculture should be taken in the light of the principles of the Chemicals Convention and Recommendation, 1990, and other relevant international technical standards.

(2) In particular, preventive and protective measures to be taken at the enterprise level, should include:

(a) adequate washing facilities for those using chemicals and for the maintenance and cleaning of personal protective and application equipment, at no cost to the worker;

(b) spraying and post-spraying precautions in areas treated with chemicals including measures to prevent pollution of drinking, washing and irrigation water sources;

(c) handling or disposal of hazardous chemicals which are no longer required, and containers which have been emptied but which may contain residues of hazardous chemicals, in a manner which eliminates or minimizes the risk to safety and health and to the environment, in accordance with national law and practice; and

(d) keeping a register of the application of agricultural pesticides.

**Agricultural facilities**

34. To give effect to Point 17, the safety and health requirements concerning agricultural facilities should specify technical standards for buildings, installations, rails, fences and confined spaces.

**Animal handling**

35. To give effect to Point 18, measures for the handling of animals should include:

(a) control and testing of livestock, in accordance with veterinary standards and national law and practice, for all diseases transmissible to humans;

(b) immunization, as appropriate, of workers handling animals;
(c) provision of appropriate protective equipment, water supply facilities, disinfectants, first aid and poison antidotes in case of contact with poisonous animals and insects; and

(d) safety precautions in the handling and disposal of carcasses of infected animals, including the cleaning and disinfection of contaminated premises.

IV. OTHER PROVISIONS

Self-employed farmers

36. National policy should also provide for safety and health promotion in agriculture, through action programmes and educational tools, with a view to addressing especially, the specific needs of self-employed farmers, seasonal workers and young workers.

37. (1) Measures should be taken by the competent authority to ensure that self-employed farmers enjoy safety and health protection that is equivalent to that provided to other workers in agriculture.

(2) These measures should include guidelines, appropriate advice and training to self-employed farmers to ensure inter alia:

(a) their safety and health and the safety and health of those working with them as regards work-related hazards, including the risk of musculoskeletal disorders, the selection and use of chemicals and of biological agents, the design of safe work systems, the selection, use and maintenance of personal protective equipment, machinery, tools and appliances; and

(b) that children are not engaged in hazardous activities.

(3) In giving effect to paragraph (1) above, account should be taken of the special situation of self-employed farmers such as:

(a) small tenants and sharecroppers;

(b) small owner-operators;

(c) persons participating in agricultural collective enterprises, such as members of farmers' cooperatives;

(d) members of the family of the owner-operator of the undertaking, in accordance with national laws or regulations; and

(e) other self-employed workers in agriculture, according to national law and practice.

Welfare and accommodation facilities

38. (1) To give effect to Point 22, employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture:

(a) an adequate supply of safe drinking water;
(b) facilities for the storage and washing of protective clothing, at no cost to the worker;
(c) facilities for eating meals;
(d) separate sanitary and washing facilities for men and women workers, including for those working in the fields;
(e) adequate accommodation; and
(f) work-related transportation.
Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Safety and health in agriculture"

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the sixth 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 agriculture,

Decides that an item entitled “Safety and health in agriculture” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.
Annex

Summary details of the Record Vote concerning amendment D.14 proposed by the Employer members to Point 2

Government members: For: 330 (China); Against: 20,790 (Argentina, Austria, Bahrain, Belgium, Botswana, Brazil, Burkina Faso, Canada, Côte d’Ivoire, Cuba, Czech Republic, Denmark, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Kuwait, Lebanon, Lesotho, Luxembourg, Malawi, Malaysia, Mali, Mexico, Morocco, Mozambique, Namibia, Netherlands, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Saudi Arabia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Turkey, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Venezuela, Zambia and Zimbabwe); Abstentions: 0. Employer members: For: 26,070; Against: 0; Abstentions: 0, Worker members: For: 0; Against: 25,596; Abstentions: 474.
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No. 24 — Thursday, 15 June 2000
Reply by the Director-General to the discussion of his Report

1. Introduction

The first thing I would like to say is thank you. All of you have put a tremendous effort into this Conference. An effort in terms of hard work, but also in seeking solutions and possibilities for agreement.

We had some difficult issues on the agenda, and ambitious ones too. We had an exceptionally wide-ranging plenary debate. We dealt with human resources and maternity protection. With the freedom of association situation, grim in many parts of the world, and with the hopes of the knowledge economy. With HIV/AIDS and forced labour. On all these issues there has been a debate of high quality and on many, real progress.

President Branco de Sampaio gave a magnificent lead, underlining as he did how social goals have to be built into the fabric of our economies, how tripartism is a force for reform and progress. He drew our attention to the power of public opinion, and how we can mobilize it for the ILO’s goals.

I want to thank Mr. Flamarique for his authoritative role as our President. He guided our work with a steady hand and made our dialogue easier.

Participation in the debates of the Conference was the highest for several years – 370 speakers, of whom 77 participated in the discussion of the Global Report. Fifteen per cent of them were women, as compared to 10 per cent last year. It is still not enough, and let me suggest that we all think together how to improve this situation. Our Gender Bureau would be more than ready to work with you on this. It would also be one contribution to the global strategy for gender equality, which the United Nations Special Session on Women 2000 was addressing in New York during our Conference.

I feel very encouraged by the widespread support in this Conference for the strategy of focus and reform on which we have been working over the past year. The message I hear from you is that we are united in this effort to increase the relevance and impact of our work. The term “decent work” has become part of our vocabulary, and it has been reiterated by many speakers in the plenary debate. Ms. Diamantopoulou, on behalf of the European Union, said “we share a commitment to decency and quality” in work. Mr. Elamawy, Minister of Manpower and Emigration of Egypt, pointed out that decent work is a development concept too. The overall framework offered by decent work gives us a way of ensuring coherence in the different aspects of our work, and helps us see the common thread running through the diverse issues discussed at this Conference.

“The ILO must not rest on its laurels”, said Mr. Brett, Workers’ delegate of the United Kingdom. Indeed, we still have a long way to go, and in my opening address I
mentioned our plan to move forward now to putting decent work into practice at the national level, working with governments, employers and workers to make this into an instrument for development and justice, a balanced way of bringing together the rights-based and development-based work of the ILO.

Many of you welcomed the streamlining of the Office operations put in place over the past 12 months with a view to making our work more focussed on the four strategic objectives. As was underlined by Mr. Tabani, President of the IOE, we have made considerable progress in modernizing the ILO and making it more relevant to the changing world of work. This process will continue with the installation of modernized financial and administrative systems, and the implementation of a new human resources strategy. The Strategic Policy Framework for 2002-05 aims to deepen this process of reform. Emphasis will be on focus, coherence and comparative advantage, in order to assume the role foreseen for the ILO by Mr. Nordmann of the Government of Switzerland of “a strong and lean institution, a respected, independent and sought-after partner”.

2. The Declaration

We had a historical first debate under the follow-up to the ILO Declaration on the principles of freedom of association and collective bargaining, based on the Global Report, *Your voice at work*. The picture painted by the Report is alarming: intimidation, threats and sometimes even murder still await many workers who attempt to organize in a number of countries around the world. Employers also face problems in many countries. Many speakers affirmed that respect for these principles and rights, and for the institutions they give birth to, are an integral part of the civil liberties that anchor democratic societies, the indispensable underpinnings of social and economic development in their countries. Mr. Swasono of the Government of Indonesia emphasized this when he commented that “Indonesia has been negotiating to make effective use of ILO assistance and cooperation in respect of the promotion of freedom of association and collective bargaining, which is considered as part of the national reform process”.

Your voices will guide the Governing Body this November, and I will place before it proposals for action in technical cooperation to orient the work of the Office in this area over the next few years. I believe, as stated by Ms. Castrellon, Employers’ adviser of Panama, that this will be a way “to pass from mere statements to fundamental changes in the lives of workers and in labour relations”. We are grateful to countries that have offered financial support to realising the objectives of the Declaration. Many countries that have been recipients of technical cooperation noted the valuable role this support had played.

Work on some of the priorities you raised has already begun. For example, we will be presenting a discussion paper on the issue of collective bargaining and development to the Governing Body’s Working Party on the Social Dimensions of Globalization in November.

The Global Report drew both praise and criticism. It was criticized for “lacking current factual presentation of countries’ situations” and drawing on information from existing supervisory mechanisms. Surely, though, the Office must not ignore the wealth of reliable information at its disposal? But we will try to develop and draw on broader and more up-to-date information in the future. The Global Report’s analysis was seen by some speakers as unidimensional and partial since it singled out sectors and countries. On this point, it is difficult to see how the Office can do credible reporting unless countries are identified and facts are stated.
This was our first Global Report and there are still flaws. In addition you received the document late. We will endeavour to do better next time. We have listened to all your comments and suggestions, which will help us shape future reports and the way they are discussed.

Finally, you drew attention to the challenge of making the principles of the Declaration real for working people all over the world. Ms. Onkelinx, Minister of Employment of Belgium, warned that it must not become "a decorative exhibit in certain government showcases". To exercise their rights, people need to know what they are. Mr. Sweeney, the Workers' delegate of the United States, undertook to make the distribution and posting of the Declaration a major part of the AFL-CIO's ongoing campaign to bring fairness to the global economy and hoped that the same can be done in every one of the 175 countries represented in the ILO. This appears to be a very simple practical step. To be effective, the Declaration must come alive for workers in their communities and workplaces.

3. Child labour

During this Conference we have accelerated the movement towards swift and universal ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). We now have a total of 25 ratifications, making this Convention by far the fastest ratified Convention in ILO history. Ministers and delegates were honoured at a special event held on 7 June recognizing the impressive efforts made by those countries which have already ratified.

We must build upon this early success and move with determination toward ratification and implementation of Convention No. 182, in order to eradicate abusive child labour. We have a moral obligation to confront the worst forms of child labour, now and fast. Our next step is to work with countries that want to adopt a time-bound commitment to eliminate the worst forms of child labour. The Office is already exploring this possibility with El Salvador, Nepal and the United Republic of Tanzania. We need resources, people and energy, but it is possible, as Ms. Herman, the United States Secretary of Labor put it, to reach "a world in which children can be children". I also want to acknowledge the very significant voluntary contributions to IPEC.

4. Maternity protection

In my introduction to the Conference I affirmed my hope that the new instruments being discussed on maternity protection would "be as strong as necessary to provide effective maternity protection in the reality of today's societies as a key component of decent work". Today I would like to thank all of you who worked with vision and determination to produce a new maternity protection Convention and Recommendation.

The issue before the Conference was not whether or not maternity protection is a priority for the ILO. It is. This issue was whether to continue to work on the basis of the earlier Convention No. 103, or to revise it. You have decided to adopt a revised Convention, and one which embodies progress in a number of important ways. The new Convention foresees protection for the first time for the huge number of women in atypical forms of dependent work; a conservative estimate suggests that at least 250 million more women would be covered. It encompasses health protection of mother and child, and non-discrimination relating to maternity. Employment protection in relation to maternity applies during pregnancy and for a period after return to work, and the length of maternity leave is extended from 12 to 14 weeks.
As is normal in a negotiation, the final text does not reflect everybody's aspirations. Some wanted a Convention limited to general principles; others wanted stronger and more extensive provisions than were finally agreed. But the net outcome on balance is an instrument which will help ensure that the interests, needs and rights of millions upon millions of mothers and children will be respected.

We now have to pass to policy and practice. Many of you have asked the ILO to support the development of your national policies. We will give a high priority to technical advice and technical cooperation on maternity protection. In some cases, the goal will be to reach the standards of the Convention and support ratification. Other countries will wish to go beyond it in particular ways. Many Latin American and Caribbean countries have asked me to support their efforts to implement at home some of the proposals they made in the discussion of the Convention. The Office will gladly do so upon their request.

The challenge for us all is to see the cause of gender equality and the struggle for maternity protection as a basic need and a basic right. We have affirmed that all in society — employers, workers, governments, and society at large — share the responsibility for maternity protection. We look forward to working with you to make this a reality.

5. HIV/AIDS

On the occasion of a Special High-Level Meeting: HIV/AIDS and the World of Work, the Conference had the honour of receiving the visit of His Excellency Sam Nujoma, President of Namibia. President Nujoma's presence here was of profound significance, representing Namibia's exemplary reaction to the HIV/AIDS pandemic and the recognition that it has created "a deep scar on our global face". Although some regions are more severely affected than others, he stressed that it is a global pandemic that calls for global responses.

On 8 June 1990 this Conference had the privilege to be one of the first international forums to be addressed by Nelson Mandela, then Vice-President of the African National Congress, only months after being released from prison in South Africa. A decade later, to the day, another South African, Ms. Mercy Makhalemele, Founder of the National Women's Alive AIDS Network of South Africa, brought us a moving, personal testimony of her struggle as an HIV-positive widow and single mother, as an example of the human drama lived daily by millions of people around the world; dismissed from work because she was HIV-positive.

"I speak because HIV/AIDS is a human rights issue. My rights have been abused", Ms. Makhalemele told us. "We have for so many years refused to look at the issue of HIV and AIDS as an issue that will affect our labour force and our labour environment and one that will have a major impact on productivity and on the economic status of young people". Her statement was made all the more poignant for all of us by her reminder: "in two years' time if I am still in this situation I will die, and everybody will forget about me". But those who heard her last week will never forget her.

Dr. Peter Piot, Executive Director of UNAIDS, added his voice to the call to the ILO's tripartite constituency to act on this grave problem in the workplace and the labour market. And in the Tripartite Technical Panel there was a general consensus that HIV/AIDS has become a labour issue, with many dimensions, and should be addressed comprehensively by the partners in the world of work. Specific guidance for the ILO's future work in addressing the HIV/AIDS issue emerged and a list of tasks was identified, including:
increasing the role of ministries of labour in developing a regulatory framework and programmes of action;

- mobilizing the tripartite constituents to stimulate political action and change attitudes;
- formulating and actively promoting international guidelines, including a code of practice, to protect the rights of workers.

I welcome the adoption by this Conference of a resolution on HIV/AIDS. It calls on us all to act, to raise national awareness, to strengthen prevention and the fight against the pandemic and to mobilize resources. It is an important commitment and an instrument which will direct our work in the years to come. It is pertinent to the ILO's four strategic objectives and it provides an opportunity for the ILO to play a key role in partnerships with other United Nations agencies and its own constituents. We have already shown our resolve by signing an agreement with UNAIDS to join the United Nations family in this struggle. Finally, I have invited Ms. Makhalemele to continue working with us in the launch of an awareness-raising and advocacy campaign for action to prevent the further spread of HIV/AIDS and to mitigate its effects on the workforce and in the workplace.

6. Employment and poverty

Many speakers in the plenary debate referred to the ILO's work on employment and argued that it should be reinforced. There was particular stress on the need for the ILO to formulate comprehensive employment strategies, adapted to the needs of individual countries. This was a priority for developing and industrialized countries alike.

For most speakers the promotion of employment has to be seen in the context of the overall goal of decent work. One formulation was "a common approach to employment matters by international organizations, with core labour standards at its heart". Others stressed the developmental dimensions of decent work – without work, there is no decent work. Many speakers were concerned that a large part of the developing world has been unable to take advantage of the opportunities of globalization, while the impact on employment has often been severe.

Dealing with these concerns is a priority for the ILO. The Office is engaged in a variety of actions aimed at formulating employment strategies to promote decent work and so to contribute to reducing poverty and social exclusion. This is our response to the mandate given to the ILO by the Social Summit, to the recent proposals of the G-15, and to the concerns of so many other countries. I am glad to see that these efforts have been favourably received. Several delegates expressed in plenary their appreciation of the assistance provided by the ILO in the formulation of their national employment policies. Others expressed the wish to be associated in such exercises. Nevertheless, we still have a lot of room for improvement. For instance, our Jobs for Africa Programme needs to be put into better shape, collaboration with other international organizations improved and its resource base enhanced. We still need to do more work on the design of a comprehensive framework integrating different aspects of employment policy. In the future, these activities will be increasingly linked to our efforts to put decent work into practice at the national level.

Next year the ILO will hold a World Employment Forum. I would like to work with all of you in making this event a success, and a marker on the road to more effective and comprehensive employment strategies within the decent work framework.
7. Occupied Arab territories

The employment conditions of workers in the occupied Arab territories was the subject of a number of comments in the plenary debate, mainly welcoming the constant attention paid by the ILO to the situation in the region. Echoing the sentiment of several other speakers on this subject, Mr. Thusing, Employers' delegate, Germany, emphasized that, despite some positive developments, there is still a great need for action. The ILO's recent technical assistance mission to the occupied territories has identified the promotion of decent work for all workers in the region as a key concern, and has developed proposals for technical cooperation which are attracting interest from donors. The Office stands ready to continue to work with our constituents, including through technical cooperation projects, to help promote greater social and economic stability in the region.

8. Human resources development and the knowledge society

The debate in the Human Resources Development Committee was lively and full of substance. It was a significant first step towards the formulation of a new Recommendation on human resources development. The Committee envisaged a dynamic and innovative instrument, complemented by practical guides and collections of good practices, targeted to support effectively the efforts of government, employers and workers to educate and train individuals for employability and decent work in the new knowledge society.

I am glad that consensus was reached in many important areas. The development of human resources is a strategic response to globalization, technological progress and other changes in the labour market, and in order to promote it social dialogue was seen as fundamental. The social partners must engage in partnerships in training, strengthen their capacity to raise training investments, and make training more effective. To support its constituents effectively, the Office must build up its own strengths in this field and develop cutting-edge technical capabilities. We are not there yet, and have to do more.

The debate in both the Committee and in plenary strongly emphasized that the new global society is more than ever based on knowledge, skills and communications. But access to this world is unequal. It depends on the level that countries have reached in developing their human resources. Unless education and training policies are made more effective and inclusive, the gap between countries, between rich and poor, between literate and illiterate, will widen. There was widespread concern - from a rich industrialized country such as Finland to a rural economy such as Mali - that the existing "digital divide" may grow wider.

We should be looking with great attention at the issues raised by the emergence of the new knowledge economy. "A knowledge-based digital economy", said Mr. Cho, the Employers' delegate of the Republic of Korea, "is one where people are the greatest national resource". A resource, not a commodity. A resource with a voice and a right to be treated with fairness, respect, and equity.

This goes beyond human resource development to the organization of production and of society. Mr. Jennings, the representative of Union Network International, saw the risks of a dot-com.world which is anti-union.org. We must consider new initiatives to maintain ILO values and social dialogue in all sectors of the new knowledge-based economy.
9. **Safety and health in agriculture**

The Committee on Safety and Health in Agriculture took a major step towards the adoption of new ILO instruments, in an area where there is general agreement that they are badly needed. There is no comprehensive international standard dealing with the problems of safety and health in agriculture. Yet agriculture is a highly hazardous industry in both developing and industrialized countries. Agricultural workers account for half of the 335,000 fatalities caused by workplace accidents yearly. If we include related illness, 1,500 farmers die every day. During this Conference some 20,000 agricultural workers around the world lost their lives because of their work.

It will be a major challenge to the ILO and its constituents to find ways and means to improve the safety, health and working conditions of this group of workers. While differing opinions were expressed, it was possible to develop a broad consensus around the important issues discussed. These included a national policy for the sector, risk assessment and risk management, and preventive and protective measures for the working environments concerned. The principle that protection should cover all workers, including self-employed farmers, was fully supported in the Committee discussions. I think the work of the Committee was a good initial step.

10. **Application of standards**

Social dialogue was a key item of discussion in the Committee on the Application of Standards. The General Survey of the Committee of Experts concerning tripartite consultation was very warmly received, as the members recognized the importance of this subject for all aspects of work at the national level concerning international labour standards and social policy generally. Calls were made for increased ratification of Convention No. 144 (now 94 ratifications) and for its better implementation.

Many interventions in plenary also underlined the importance of social dialogue in advancing the decent work agenda. We heard about the progress of tripartite dialogue and consultation in many countries in all regions – Brazil, Chile, Hungary, Ireland, the Republic of Korea, Mauritius and Turkey, among others. The Minister of Labour and Social Affairs of Spain, Mr. Aparicio Pérez, summarized some of the results of successful social dialogue in his country: more jobs, better living and working conditions of workers, and improved economic performance of companies. And as the representative of the Government of Malaysia pointed out, social dialogue has particular importance in the context of the knowledge economy, to “lay the groundwork to produce a highly skilled and knowledgeable workforce”. Social dialogue remains the foundation of the ILO's work, its distinctive contribution to the development of socially sustainable economic policies.

Twenty-four “individual cases” on the application of Conventions were taken up by the Committee. All the governments invited attended the Committee, if they were present in Geneva. The cases discussed covered a wide range of questions, ranging from fundamental human rights to more technical – but not less important – issues including labour inspection, payment of wages and the treatment of indigenous and tribal people. In many of these cases progress was noted, but the Committee also noted that there were real problems on all of them and urged the governments to take effective steps. In the general discussion the members of the Committee stressed that the supervisory work of the Committee of Experts remained an indispensable corollary of the adoption of standards.

The Conference approved a resolution submitted by the Selection Committee concerning action to be taken under article 33 of the ILO Constitution with respect to the observance by Myanmar of its obligations under the Forced Labour Convention, 1930 (No. 29). This resolution details a series of actions, some or all of which are to come into effect on 30 November unless the Governing Body is satisfied that appropriate legislative, executive and administrative measures to implement the recommendations of the Commission of Inquiry have been taken by the Government of Myanmar by that date.

The Government of Myanmar has, in the Minister of Labour’s letter of 27 May, indicated its agreement to take into consideration appropriate measures. By not putting action under article 33 into immediate effect the Organization has shown that it is prepared to respond to signs of willingness to change. The Office stands ready to assist the Government of Myanmar in implementing immediately the recommendations of the Commission of Inquiry, in line with the decisions already taken at the 1999 session of the International Labour Conference. Under the authority given to me at the 88th Session, I wish again to offer the Government of Myanmar the Office’s services so as to achieve this purpose within the time frame determined by the resolution which the Conference has approved. I particularly welcome the wise words of Ambassador Haraguchi of Japan in this respect.

12. Review of standard setting

At its November session the Governing Body is to proceed with a review of the standard-setting and supervisory activities of the ILO to which several members referred in the Committee on the Application of Standards. During the plenary debates there have again been many calls to modernize and reinvigorate these activities so that they remain relevant. Economies and societies evolve, and standards must respond to changing needs and priorities. As Ms. Filatov, Minister of Labour of Finland, put it: “It is vital for the credibility of the ILO that the body of labour standards is kept in line with developments in working life. ... Work is gradually being liberated from the old ties of time and space”. Mr. Potter, of the United States Employers’ delegation, called for “high-impact standards on which there is a broad consensus for ratification”. Many Workers’ representatives strongly defended standards, which “remain the backbone and the justification of the ILO”, said Mr. Blondel, Workers’ delegate of France.

Historically, standard setting has been the defining contribution of the ILO to social progress. We all face the challenge of renewing our common purpose around that mandate. That means progressing beyond the sterile debate about whether standards should be stronger or weaker, and rather seeing them as instruments for dealing with complex social objectives that reflect our goals and offer ways in which they can be embedded in social and economic reality. As I stated in Decent work, “improving the visibility, effectiveness and relevance of the ILO’s standard-setting system must become a political priority”. To do so, we need to build on a shared commitment to have effective standards that reflect ILO values and respond to the realities of today’s workplace. This will require innovative ideas, in terms of both process and substance, and a full understanding of diverse concerns among ILO constituents. The task is difficult, but it is possible. In the Governing Body we are developing new methods of work that we have used successfully to tackle other hard questions. I am certain that we will also be successful in this endeavour, but it will require – as I recalled in last year’s session of the Conference – a major effort of cohesive tripartism.
13. Ideas and initiatives

In the plenary debate and the other events of this Conference, many attractive ideas have been tossed into the ring, suggesting creative new ways of tackling old or new issues, innovative ways of achieving our goals. Let me mention a few.

- Ms. Aubry, the Minister of Employment and Solidarity of France, suggested that we call upon eminent personalities in the social field to think about respect for the rules and the ethical values of the ILO, and to explore the contours of new issues and problems.

- The representative of the United States employers, Mr. Potter, suggested we use focus groups more and establish a high-level advisory committee of business executives and labour leaders to help the ILO organize for the future.

- Mr. Jordan, the representative of the International Confederation of Free Trade Unions, put forward the idea of an annual social forum bringing together ministers of labour and of social protection, academics and social thinkers, as well as representatives of workers and employers, “to think outside the constraints of history”.

- Invitations to involve the ILO in new international initiatives have come from the Government delegates from Tunisia, Switzerland, Uruguay and the European Union. They attest that the ILO is a much sought-after partner in the social policy debate.

- And our guest of honour, President Branco de Sampaio, called for a world campaign involving artists, intellectuals and writers to raise public awareness of our goals and values.

These ideas, among many others, indicate both the commitment of our constituents to the ILO’s mission and the potential of working together in an open, creative manner. I would like to think these ideas through with you. Let us keep the channels open to explore how we might take some of them forward.

14. The social dimensions of globalization

In the plenary debate the need for the ILO to respond effectively to globalization was reiterated by many speakers. As stated by Ms. Chitauro, Minister of the Public Service, Labour and Social Welfare of Zimbabwe, “the much cherished concept of decent work” can be eroded by globalization. And Mr. Zhang, Minister of Labour and Social Security of China, pointed out that “the South-North gap in development and wealth is widening”. Several speakers emphasized that promoting decent work has to be seen as an integral part of development, in which the growth of employment goes hand in hand with representation, protection and respect for rights.

If globalization is to reach everyone, as I said in my opening address, we need to develop a new integrated approach to economic and social development. Developing this integrated approach requires interaction and dialogue with other international organizations, and this is reflected in the call by many speakers for closer coordination and interchange with the Bretton Woods institutions, and other organizations of the United Nations family. In this process, I intend to take full advantage of our Governing Body’s Working Party on the Social Dimensions of Globalization, which provides a forum for tripartite debate, and one which is open to other organizations; indeed, the World Bank, the
IMF and the WTO were all represented in the last meeting of the Working Party, and all intervened in its deliberations.

Several speakers referred to the question of labour standards and international trade. The past year has again shown that this is a controversial issue, in which contradictory positions reflect a lack of trust and differing underlying assumptions. A debate on this issue is taking place in another organization. If there is a conclusion to that discussion which is of significance for the ILO, then I will place it before the Governing Body for review and guidance. Last year, in my reply to the Conference, I explained my view that this question should not be considered in isolation from the broader context of the global economy and its contribution to economic and social progress.

As we have seen over the past year, concern with the effects of globalization has led to a backlash, sometimes expressed in the streets, more often within the privacy of the home. Too many people feel that their interests and voices are not being heard. Many civil society organizations have expressed disquiet at the course of events. I believe it is important for the ILO to be able to listen to these voices. I sometimes perceive a lack of openness among constituents for ILO to communicate with citizens' groups in society. Such outreach in no way weakens our constitutional principles. It is the normal way modern institutions operate today, by acknowledging relevant voices in community and society. We should have enough confidence in the strength of our tripartite structure. It constitutes the fundamental force of the Organization and the sine qua non condition of its existence. But we must not close our eyes and ears to the contributions and opinions of other groups in society. Many organizations of civil society share our basic values and can help us promote them.

An example can be found in the forthcoming Special Session of the United Nations Assembly dedicated to the follow-up to the World Summit for Social Development, which is due to open in ten days' time here in Geneva. It is an event which can help spread the ILO's messages and multiply our impact, in part because of the diversity of actors who will be present. There were several comments in the plenary debate about the importance of this Conference. Mr. Riester, Minister of Labour of Germany, thought that we should work to make sure the Declaration is given greater prominence there. I agree; indeed, one of the most important results of the Social Summit was the recognition by the Heads of State and Government gathered there that the fundamental rights and principles of the Declaration constitute a social floor for the global economy. I was also pleased that the Declaration is referred to in the final outcome of Beijing+5. At the same time, promoting productive employment is the major route to eliminating poverty and exclusion. We must bring these issues together, and link them to the goals of protection, of security and of representation and dialogue in ways that are relevant to this Special Session.
International Labour Conference

Provisional Record
Eighty-eighth Session, Geneva, 2000

Twentieth sitting
Wednesday, 14 June 2000, 10.15 a.m
President: Mr. Flamarique

COMMUNICATION OF THE CLERK OF THE CONFERENCE

Original Spanish: The PRESIDENT — Before we open today’s sitting, I shall give the floor to the Clerk of the Conference to read out a note from the Employers’ group.

Original Spanish: The CLERK OF THE CONFERENCE — The note is dated 13 June 2000 and reads as follows:

Mr. President,

In the Daily Bulletin of 13 June 2000, under the heading “Events”, “all Conference participants” are invited to attend a meeting to examine the trade union rights situations in Colombia organized by the Workers’ group, with a view to “discussing the issue of the establishment of a Commission of Inquiry”. This inclusion in the Daily Bulletin was done without the necessary participation of the Officers of the Conference or the Officers of the Selection Committee.

This is a serious violation not only of procedures in that it does not conform to practice in this matter, but it is also serious from the point of view of substance, because it implies interference in a very delicate matter which the Governing Body alone is authorized to deal with in this instance. All this does not question the right of workers to meet during the Conference to deal with matters they consider appropriate; however, the inclusion of the event in this way in the Daily Bulletin creates a confusion with the official meetings of the Conference.

The Employers’ group of the 88th International Labour Conference herewith wishes to express its deep concern and disagreement with this flagrant precedent which is a violation of the basic rules which govern tripartism and the rules and procedures under which it operates.

I would be grateful, Mr. President, if you could transmit this letter to the Officers of the Conference and to the Secretary-General of the Conference.

The note was signed by Mr. Antonio Peñalosa, Secretary of the Employers’ group.

REPORT OF THE COMMITTEE ON MATERNITY PROTECTION:
SUBMISSION AND DISCUSSION

Original Spanish: The PRESIDENT — The first item on our agenda today is the submission and discussion of the report of the Committee on Maternity Protection which is to be found in Provisional Record No. 20.

I now give the floor to Ms. Samuel, Reporter of the Committee on Maternity Protection, to present the report.
That we were able to reach a successful outcome in the end, despite such contrasting approaches, can be attributed to the many members of the Committee, Government, Workers and Employers alike, who were able to achieve a balance in their decision-making at the crucial point of the discussion.

The evidence of this is apparent from the content of the Convention and Recommendation that the Committee is now proposing.

At the outset of the discussion the Employers reaffirmed the importance to them of a revised Convention which should not be overly prescriptive so that it could accommodate the diversity of social and economic conditions of member States. They acknowledged employers’ responsibilities in relation to maternity protection and emphasized the need to balance this with the responsibilities of governments and the women workers concerned.

The need to provide maternity protection, while protecting the employer from direct monetary and operational costs, was a critical element to ensuring that employment opportunities for women would continue to grow.

The Workers, whilst recognizing the importance of ratifications, were quite adamant that the overriding consideration should be the content of protection to be provided in the instruments.

Maternity protection was not only a concern for women and children, but for the future of society as a whole. Such aspirations were echoed by NGOs and other international organizations that were given the opportunity to present and to share their views in the discussions.

To give you an overall picture of the results of our deliberations I will review the content of the Convention and the Recommendation that the Committee is proposing, and compare it with that of the existing standards.

Let me begin with the Convention. The Preamble of Convention No. 103 was limited to the basics, whereas now we have a comprehensive preamble which sets out the overall objectives of the Convention. It recognizes the need to promote equality for all women in the workforce and the health and safety of the mother and the child. It also recognizes diversity in economic and social development and diversity in enterprises.

The scope of the Convention was of special concern to the Committee. The new Convention applies to all women who perform work in conditions of dependency, including those in disguised employment relationships, whether in the formal or informal sector, are covered.

The possibilities for exclusions have been narrowed down. A member State can exclude only limited categories of workers and this under two specified conditions. It can do so only where, in respect of these workers, the application of the Convention will create special problems of a substantial nature, and only after consulting the representative organizations of workers and employers. It will not be possible to exclude categories of enterprises, for example, on the basis of their size. Convention No. 103 places no obligation on a member State to consult beforehand with representative organizations of workers and employers before excluding workers, nor to demonstrate that the application to them of the Convention would raise substantial problems.

The new provision on health protection added to the proposed Convention was welcomed by all sides. It ensures that pregnant or breast-feeding women are not obliged to perform work which is determined by the competent authority to be prejudicial to their health or that of their children, or which entails a significant risk to their health or that of their children. No provision on health protection existed in Convention No. 103.

Eighty years after the 12-week period of maternity leave was first set in the Maternity Protection Convention, 1919 (No. 3), this period has been extended to a minimum of 14 weeks. Of course, some countries already provide longer leave but 14 weeks was considered to be an appropriate standard to which a large number of countries worldwide could aspire.

The requirement in Convention No. 103 for a minimum of six weeks of compulsory postnatal leave was maintained because of its importance for the health protection of mother and child, but a certain limited flexibility was introduced. A departure is now allowed from this requirement in those countries where a tripartite agreement has been reached at the national level between government and the representative organizations of workers and employers. Where such an agreement is not reached, a compulsory postnatal provision will apply. This takes account of the situation of countries where compulsory maternity leave is considered to be discriminatory against women. Adding their support to that of employers and some governments to the introduction of this flexibility, the workers underlined the strengthened role of the social partners within the framework of social dialogue.

The new Convention also establishes a new right to leave before or after maternity leave, in the case of complications or risks of complications arising out of pregnancy or childbirth. This is a clear strengthening of protection compared with Convention No. 103, which had only made provisions for illness arising from pregnancy or childbirth, leaving complications and risk of complications to its accompanying Recommendation.

The most difficult issue which the Committee faced was that of benefits. For this reason, it decided to refer this at first to a tripartite working party in the hope that it would be able to find a way to accommodate national differences in systems of financing and methods of computing benefits. Even though the Working Party concerning articles 4 to 6 was not able to conclude its work, the debate helped to highlight areas of possible consensus and points for decision. I take this opportunity to thank the Chairperson of the Working Party, Mr. Ron Saunders (Government member, Canada), for his good work.

Convention No. 103 stipulated that maternity benefits could only be financed through compulsory social insurance or public funds. However, many countries have no compulsory social insurance system, or if they do, it is of such limited scope that they rely on employers to finance maternity benefits in whole or in part. Their situation had to be taken into account.

The provision finally adopted regarding financing of benefits was regarded as realistic by both workers and employers. It recognizes that benefits in respect
of maternity leave and leave for sickness or complications due to pregnancy or childbirth should be paid through compulsory social insurance or public funds or in a manner to be determined by national law and practice. As before, employers should not be individually liable for the direct cost of maternity benefits paid to the women that they employ.

However, a social protection was inserted to make it possible for members who already had a system of employer financing of benefits prior to the adoption of the Convention, to ratify the Convention or to allow such a system if subsequent agreement was reached at the national level between governments and representative organizations of employers and workers. This was a key provision of the Convention that reflected great efforts by the social partners to find a true balance of their respective interests in the light of the varied circumstances of member States.

With regard to the level of benefits, the old Convention provided for a minimum of two-thirds of the portion of a woman's previous earnings taken into account for computing benefits paid by social insurance. No level was fixed for benefits financed by public funds and, of course, no mention was made of benefit levels provided through other funding sources, as these were not permitted.

The proposed Convention has retained the benchmark of not less than two-thirds of the woman's previous earnings or an amount comparable to this on average, but has extended it to cover all payment systems and all methods of calculation.

Exceptionally, the proposed Convention allows countries whose economy and social security system are insufficiently developed to have the option to pay the same rate for maternity benefits as they pay for sickness or temporary disability. It has also retained the overriding principle of Convention No. 103 that the cash benefits must in all cases be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

It should be pointed out that some countries were disappointed with the result of the debate regarding the level of benefits. They would have liked the Convention to provide for benefits equivalent to the full amount of a woman's previous earnings, just as they did under their own national legislation. However, the goal of full income replacement remains under the Convention regarding the period of protection.

Turning to the proposed Recommendation, I should like to point out that it elaborates on some issues and on others it goes further. For example, it recommends extending the period of maternity leave to 18 weeks, increasing benefits to the full amount of a woman's previous earnings and providing facilities for breastfeeding. It also recommends parental leave and, when national legislation and practice provide for adoption, extension of the rights under the Convention to adoptive parents.

It would be an omission on my part not to say that the text of the proposed Convention did not satisfy all committee members. Some were not content because in their view the standards set in the new Convention went further than they should and endangered its future. Others, however, felt that in some respect there was better protection under the old Convention. They were disappointed that protection against dismissal was no longer absolute but dismissal is possible only if it is unrelated to pregnancy or the birth of the child and the consequences of nursing. Furthermore, the proposed Convention provides that the employer bears the burden of proving that the reasons for dismissal were unrelated to maternity. Once again, one might make the comparison with Recommendation No. 95, which included a non-exhaustive list of legitimate reasons for dismissal but contained no provision regarding the burden of proof.

A new provision of the Convention further protects women from discrimination by guaranteeing them the right to return after maternity leave to the same position they had before or an equivalent one paid at the same rate.

Even more importantly, the proposed Convention now has a general requirement that measures must be taken to ensure that maternity will not constitute a source of discrimination in employment. These measures must include prohibition against pregnancy tests when a woman applies for employment, except in cases where such tests are legally required for reasons of health protection.

Taken together, the provisions in the proposed Convention regarding the period of protection, the burden of proof, the guaranteed right of return and protection against discrimination represent a great strengthening of employment security compared to that provided in the earlier instrument.

Paid breaks for breastfeeding were already provided for under Convention No. 103. There is a similar provision under the proposed Convention but, in addition, a woman now is entitled, as an alternative, to a daily reduction of hours of work for breastfeeding. The provision for paid nursing breaks under the old Convention was seen to be an obstacle to ratification for some countries and there was a vigorous debate on the question. In the end, the importance of breastfeeding for the health of the child overrode concern on the part of most Committee members about the problems that might arise in implementing it.

It would be an omission on my part not to say that the text of the proposed Convention did not satisfy all committee members. Some were not content because in their view the standards set in the new Convention went further than they should and endangered its future. Others, however, felt that in some respect there was better protection under the old Convention. They were disappointed that protection against dismissal was no longer absolute during maternity leave. They would have preferred not to permit any flexibility at all regarding obligatory maternity leave after childbirth, nor with regard to the financing of maternity benefits. In their view, standards should be set in a way that does not allow for exceptions.

Some of these members would have liked Convention No. 103 to remain open for ratification after the new Convention comes into force. But, standard setting is a process requiring a balance of the perspec-
tives and priorities of the different constituents in the various regions. We were constantly reminded of this in the Committee.

Workers' and Employers' members approached maternity protection from two different perspectives and governments were constantly in a position of weighing the interests of workers and employers together with their own.

My own personal conviction is, and I hope you will agree, that when all the improvements in protection and the possibilities for implementation are viewed as a whole, the new Convention does represent a considerable step further in the pursuit of social justice.

But once the Convention is adopted, something which I personally recommend wholeheartedly, our work will not be completed. With the help of the Office, we must promote the Convention and make it well understood. This is essential because promotion of the instrument will ensure that the important and far-reaching revision that has been made will have a practical impact on law and practice among member States. In many cases, very practical forms of technical assistance will be needed in a range of areas, particularly that of social security.

Before concluding, I would like to pay tribute again to the excellent chairmanship of Ms. Andersen who, in very fair and firm way, led the Committee for a second year to a successful conclusion of its work.

Ms. Knowles and Ms. Engelen-Kefer's deep knowledge of the issues involved and their leadership qualities enabled them to represent the interests of their respective groups in the best possible way. The fact that the Committee was able to accomplish its task was due to the excellent preparation and background papers, prepared by Ms. Dy Hammar, Representative of the Secretary-General, and her team, which everybody acknowledged to be of high quality and great usefulness.

Ms. Dy Hammar and her able team deserve our wholehearted praise and thanks. Their work has demonstrated their commitment to serving the cause of social justice. They all worked very hard, often well into the mornings, to ensure that the meetings ran smoothly and that Committee members received all the assistance that they needed. We were also given valuable advice by the representative of the legal advisor, another very able person, Ms. Dumbia-Henry and support by experts of the Office.

Last but not least, I wish to give credit to my colleagues from all governments who, with their interventions, helped to resolve difficult issues and to produce balanced texts despite the diversity of use and approaches.

I should point out that the text of the proposed Convention and Recommendation before you does not yet include any changes as a result of comments made by delegates concerning the drafting of the instruments. Once the Committee's report is adopted by the Conference, the Conference drafting committee will meet and look into all of the observations made. The instruments that will be voted on by the Conference tomorrow will be the final versions, amended as necessary by the Conference drafting committee.

Since the 1997 decision by the Governing Body to revise Convention No. 103, and its accompanying Recommendation (No. 95), enormous efforts have been deployed to ensure that these revisions would reflect the interests of governments, employers' and workers' organizations around the world.

Maternity protection is a subject which touches all of us deeply. This was clearly evidenced in the massive response received by the Office to its initial questionnaire. A response level which exceeded the previous record set by the preparatory work on the worst forms of child labour.

Two years of deliberation in the Committee on Maternity Protection, as well as intensive discussions at the national and regional level, have led to the text which we will be asked to vote upon tomorrow. I commend this text to you and urge you to confirm that the efforts invested have been worthwhile.

Ms. KNOWLES (Employers' delegate, New Zealand; Vice-Chairperson on the Committee in Maternity Protection) — It has not been an easy task being a member of the Employers' group discussing the revision of the Convention on maternity protection at work. Each of us on that Committee is a daughter or a son, most of us are a mother or a father, and all of us work. We all know at first hand the importance of maternity protection at work.

But what we also know is the importance of balance between rights and responsibilities, the importance of recognizing the hugely diverse social, cultural and economic environments that exist within the 175 member States of the International Labour Organization, and most of all the importance of acknowledging reality. Have the linguists craft all the fine words in international conventions. Have governments enact domestic legislation that is the envy of the entire world. But without practical implementation at a grass-roots level, such actions will be entirely wasted.

In my statement on behalf of the Employers' group to the plenary session last year, I stated that we could support the adoption of the report of the Committee at that time because it was an interim report only. I regretted that in the view of the Employers' group the appropriate balance was not there. There was a lack of balance between the rights and the responsibilities of the three parties represented in the discussion and a definite lack of balance between a principles-based approach and one based on prescription.

In the debate that has taken place over the last two weeks, the Employers' group has taken seriously the mandate given by the Governing Body of this Organization to revise the Maternity Protection Convention (Revised), 1952 (No. 103), and produce an instrument that afforded maternity protection at work in a form that could be widely embraced by the constituent members of the ILO. We pursued with vigour our firmly held belief that the instrument should establish principles of protection which could then be delivered in accordance with national law and practice. We recognized that each member State is sovereign, and accordingly must set its domestic legislation depending on the view of its constituents — the people of the country who live there — as to what must take priority, particularly in terms of extending rights and benefits. We knew the old approach was no longer appropriate. We had to find a better way.

The need for a new approach was acknowledged by the Director-General in his Report Decent work which he submitted to the Conference last year. He said: "If the ILO is to ensure its continued relevance in this field and reassert the usefulness of interna-
tional standards, it will need to reinvigorate its efforts... with new approaches."

As I said in my opening statement to our Committee, he could have been talking directly to us. We were the first committee that could start on the approach indicated by the Director-General of this Organization and adopted by its Conference. We had one opportunity to show how it could be done. We had one opportunity to move from the overly prescriptive, one-size-fits-all instrument routinely adopted by a narrow majority at the Conference and which very few countries were then able to ratify, to one that had meaning; an instrument that encompassed the principles upon which all of us could agree, with the knowledge that each country would be able to deliver actual outcomes based on those principles; an instrument that would deserve to be known as Maternity Protection 2000.

The Employers' group took this call from the Director-General as seriously this year as we did last year. We believed him, and the Governing Body which supported him, when he said a new approach to standard setting should be pursued.

At our Committee's first meeting this year I repeated the form of the Convention the Employers' group had sponsored last year. Our scene-setting statement for that Convention read: "Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, maternity leave and protection for all employed women."

Our statement of principle was as follows: "As an indispensable means of protecting the health of any woman and her child, the woman's entitlement to a period of maternity leave, to protection from dismissal for reasons related to the pregnancy or maternity leave, with adequate means of supporting herself and her child, is the core element of this instrument."

We had hoped that in the intervening 12 months member States might have pondered on this approach and seen the same merit in it as the Employers' group did. So we repackaged it and presented each statement of principle separately. A general principle statement protecting the health of a pregnant or nursing woman and her child was accepted — no doubt because it was put forward by members of the Government group, and not by the Employers' group. Such was the response to our first attempt for a principles-based approach, that we abandoned it. We admitted defeat. We were simply not successful.

It is with true regret that we in the Employers' group review the outcome of our work over the last two weeks. We have an instrument. It is in the same uniform, prescriptive form as the old Convention No. 103. Despite some moves to recognize flexibility in limited areas, we worry that this new instrument might be even less ratifiable than Convention No. 103.

- It excludes "enterprises" from the categories of exemptions member States might wish to make from its scope. Those member States whose national law or practice currently, for quite legitimate purposes given their social and economic contexts, exempt family businesses, small or micro-enterprises or agricultural enterprises, for example, will not be able to ratify this Convention.

- It extends the period of maternity leave to 14 weeks. In Report IV (2A) the Office reported that only 40 per cent of member States currently provide leave of 14 weeks or more; 60 per cent of the membership of this Organization will not be able to ratify this Convention.

- It places the burden of proof solely on the employer in instances of termination of employment. Those many member States whose legal systems recognize a quite different approach to dispute resolution will not be able to ratify this Convention.

- It requires breastfeeding breaks to be provided which are to be remunerated as time worked. In Report V(2), leading up to last year's discussions, the Office identified nursing breaks as being such a barrier to member States' ratification that it moved the provision from the Convention to the Recommendation. The Employers' group questions whether the situation has changed in those member States over the last 12 months. If not, they will not be able to ratify this Convention.

And ratification is important. It was the very low number of ratifications that concerned the Governing Body enough to put the topic of revision of this Convention on the agenda.

It's not just a numbers game.
It's not just ratification for the sake of it.
It is a serious step.

In ratifying, a member State is committing itself to having its domestic law be in accordance with the Convention. It is committing itself to implementing the terms of the Convention. And, under the review clause, article 22 of the Constitution, member States have to report. And that is the key.

Ratification means member States say "We will do something and we will tell you what we do and we will accept your telling us if we are not doing enough."

Non-ratification means nothing happens.

And we in the Employers' group believe women in the world need something to happen.

Standard-setting procedures have to change. With respect to the Director-General and the comments he made to the plenary last week, revision simply cannot mean merely increasing entitlements and improving benefits. It entails careful identification and analysis of those provisions causing a barrier to ratification and providing sound alternatives. The Committee needs to discuss issues of principle, not argue for 40 minutes over whether the words "at least" should be included in the text or not. And we need the confidence to put matters to a working group and respect their recommendations. More note needs to be taken of the in-depth responses that Government, Employers' and Workers' groups provide to the Office for the basis of their reports. We heard from our Reporter that in this particular report an all-time record of number of responses and in-depth replies were sent to the Office. In this instance, such a significant majority of governments responded in the negative to the question of incorporating adoption leave in the Recommendation to this Convention, that the Office removed the Paragraph completely. Twenty Government members of our Committee voted to have it reinstated; 16 voted against; 12 abstained and 59 were absent for the vote. Fifty-five per cent of the Government representatives registered to our Committee simply did not attend that session.

The Employers' group was indeed heartened by the number of governments which spoke of the advances that existed in the different countries in this area of maternity protection at work. We in the
Employers' group ask you to continue those advances, ensuring that the balance between rights and responsibilities, principles and prescription is weighted evenly. We would encourage those governments which have not moved in this area as far as they perhaps could, to please do so. Maternity protection at work is too important an issue to ignore. We also ask all member States to consider carefully adopting a Convention that you know you have no ability or even no intention of ratifying. That would be a disservice to women and the ILO. Both deserve better than that.

In conclusion, I would like to thank the Office most sincerely for it's efforts in the work of this Committee. I would also like to express my thanks to our Chairperson, Ms. Andersen, and our Reporter, Ms. Samuel. Both have worked hard and diligently for the Committee. I would also like to record the Employers' group appreciation of the manner and spirit in which Ms. Engelen-Kefer undertook the discussions.

Ms. ENGELEN-KEFER (Workers' delegate, Germany; Worker Vice-Chairperson of the Committee on Maternity Protection) — I am speaking on behalf of the Workers' group of the Committee on Maternity Protection. First of all I would like to commend to you all the report before you and especially the new instruments — the revised Maternity Protection Convention and Recommendation. Despite differences of opinion, we believe that the Committee has worked well and the agreed revised texts are a satisfactory result. A comparison shows that a better balance has been struck in the revised instruments between strict regulations and freedom of choice, especially for the women concerned, and there is also a better chance for adaptation to different cultures and religions as well as different levels of development in different countries.

In summary, there is a much better chance of securing more ratifications and practical benefits in the member countries. At the same time, the substance is such as to make these standards meaningful. I cannot now go into all the details but would like to pinpoint some of the most important aspects.

The scope of the Convention is broader in that it covers all employed women, including those employed in atypical forms of dependent work. Henceforth, it is not only women with written employment contracts who are covered, since they account for only a very small percentage of women workers. The vast majority of employed women do not have this luxury. Now, they are all covered by maternity protection.

Many employed women are working in situations of disguised employment and told they are self-employed, but in reality they meet all the criteria of dependent employees. They are also now covered by the new international standards. Many employed women are working in situations where employment laws are frequently flouted, especially the many women working in export processing zones. They will now all be covered by this Convention. Many employed women all over the world are working in the so-called "informal sector" and are grouped in categories where employment relationships are not recognized, for instance homeworkers, contract workers, casual and temporary workers and migrant workers. The new Convention will also apply to them. I think this is a big achievement in broadening the range of women covered by the new Convention, which is a clear improvement on the old Convention No. 103. Unfortunately, we could not completely avoid exemptions of limited groups of women from the scope of maternity protection, but we were able to restrict these exemptions much more than was possible with the old Convention. It will thus no longer be possible, as before, to deny maternity protection to women working, for instance, in the transport sector or to agricultural, domestic or homeworkers.

For pregnant women and mothers it is of extreme importance that the new Convention contains requirements for health protection of the mother and child. I think it is extremely important, especially to women workers, that they should not be obliged to perform work associated with health hazards during that very important period of their lives. This provision was not included in the old Convention No. 103.

The period of maternity leave can now be extended to 14 weeks, as opposed to 12 weeks under the old Convention. The new text also requires six weeks of compulsory leave after confinement, a requirement that can only be changed through agreements between governments, employers and trade unions. I think this gives the necessary protection for many millions of women during the time after confinement, where it is most needed for the health of the mother and the child. By the same token this increases the chance of ratifications in countries which want to provide more freedom of choice to allow better adjustment of the period of maternity leave to individual needs of women concerned.

Turning to the crucial provision of benefits, we as workers would have favoured the payment of full wages during the period of maternity leave. We congratulate all countries and women workers who have the opportunity of full wages during their period of maternity leave, but what is the reality elsewhere in the world? There are millions of women workers who during maternity leave lack any form of adequate cash benefits. It is to help them that we are here, to work on new international standards. For them it will be extremely important if we can at least achieve what is now in the new standards, that is, a guarantee of two-thirds of previous income or, in the case of the least developed countries, a provision to ensure that the floor should not be less than sickness or disability insurance benefits. I think that is very important to the millions of women workers who are not among the lucky ones in the more developed countries and the countries with better maternity protection regulations and practice, and for them it will be of extreme importance and help if they get benefits that are at least no lower than the minimum stipulated in the new standards now before you.

No country is prevented from having better standards and no one would think of forcing the reduction of cash benefits in countries where they are currently higher than those provided for in the new texts. I think we have to make a choice between higher standards on paper, which can only help a few women, and more realistic objectives and regulations, which will be of help to the vast majority of women concerned. I would make the choice for the latter in order to do what we are here to do — to help the vast majority of women concerned as much as we can. I think we have achieved that in the standards that are now submitted to you for adoption.

I would like to say some words on a very sensitive issue, the protection of women with regard to termi
nation of employment. Of course, the Workers' group would have liked a complete ban on termination of employment or dismissal during the whole period of pregnancy, maternity leave, and the subsequent period. But the period has been agreed as it is. We have at least made sure that women get adequate protection against dismissal, not only during the period of maternity leave, as it was provided in Convention No. 103, but throughout the period of pregnancy and after the women's return to work, including the nursing or breastfeeding period. And I think, seeing the reality of the many millions of women who have no protection whatsoever in the world, it could be of some help. If a woman has reason to complain that she is being dismissed as a result of discrimination because of pregnancy, maternity leave or the subsequent period, including the nursing period, then I think it is only just and fair that the employer should have to prove that there is no discrimination. That is what we have in this text before you. This is not a reduction in protection, I think that it ensures adequate protection, and is to some extent even an improvement in comparison to the old Convention No. 103. What is the reality? The reality is that women are discriminat-ed against and dismissed when it becomes obvious that they are pregnant. Usually it makes no sense to dismiss them during the period of maternity leave because they are not at the job anyway. And in reality, no company can be forced in the event of bankruptcy to employ workers for longer terms than is allowed under other social security regulations. So if you sum up all these considerations, we have still a very ade-quate and decent protection of women with regard to termination of employment, and this is extremely im-portant to the workers and the trade unions.

Again I would like to congratulate those countries which provide an absolute ban on dismissal or termi-nation of employment for women during the whole period of pregnancy, maternity leave and the time thereafter. I think the women covered by those regu-lations and practice can be extremely happy, and there is no danger of that protection being reduced.

But again let us do something for the many millions of women, the majority in the world, who are not so lucky, who do not have that protection and who would find their situation greatly improved if the new regu-lations were effectively put into practice.

I would now like to turn to the issue of the nursing or breastfeeding period. This is a very important is-sue, and we had a lot of NGOs and international orga-nizations explaining the extreme importance of nurs-ing and breastfeeding. And I think we have managed to provide adequate protection in the new text. We should make sure that all women get adequate and paid nursing breaks during working time. They now even get the possibility of a reduction in working time, which was not part of Convention No. 103, so in this respect too, I think we have got a very fair and realis-tic regulation which improves the situation of the many women concerned.

Now let me come to my final remarks. I think that we have stuck a good balance and obtained an im-provement. We have found the right balance between the need for adjustments, on the one hand, and pro-viding adequate protection through a meaningful standard, on the other. We are talking here not simply about a technical standard, we are not talking here only about better protection for mothers and chil-dren, we are talking here about the future of our societies, which will have no future without children. Adequate maternity protection at work is a very im-portant condition for creating a good future. That is a very important task at the beginning of the new cen-tury and the new millennium ahead of us.

So let us do our duty, let us adopt these new texts, even if some of you have some doubts about certain points. I also have some doubts about certain points, but the reality is that no group can achieve all the ob-jectives of its individual members; we always have to make compromises in order to find the right balance and achieve something worthwhile. Of course, I know that on the employer's side, maternity protection in-volves costs, but they are not only costs, they are in-vestments in human development; they are invest-ments in our own future; they are investments for making globalization a human development, giving globalization a human face. In this respect we are all in the same boat, all the members of all three groups here, the members of all countries irrespective of their stages of development, the members of all races, all religions, all cultures. So I really would like to ap-peal to you to make this exercise useful, by adopting the revised texts of the Convention and Recommen-dation tomorrow.

I would like to express my thanks to those who helped us to achieve this result — the Chairperson of our Committee, the Reporter, and the secretariat, especially Ms. Dy Hammar and her team. I would also especially like to thank the Legal Adviser, and Ms. Knowles, the Employer Vice-Chairperson. We had very good and fair cooperation, despite the differ-ences of opinion that were clear from our speeches, and I thank them for that. I also thank the Govern-ment members. I think I learned a lot from you, we had a very interesting exchange of experience and I hope it can be brought to a successful conclusion.

Ms. ANDERSEN (Government adviser, Denmark; Chairperson of the Committee on Maternity Protec-tion) — It has been a very positive experience and privilege for me to have served as the Chairperson of the Committee on Maternity Protection for the sec-ond time. Over the course of two years of discussion, the Committee's concern has been to produce an instru-ment which protects women and their babies dur-ing pregnancy, absence on leave, and the period fol-lowing the woman's return to work, especially when she is breastfeeding. Such protective measures are of great importance to women all over the world, be-cause we all know that discrimination based on matern-ity puts women in a very vulnerable position in the labour market.

The proposed new maternity protection Conven-tion acknowledges this fact, and incorporates mea-sures of addressing the issue. It is important to bear in mind that maternity protection is an integral aspect of the struggle to prevent gender discrimination. For the first time, a Convention on maternity protection will have a specific provision concerning discrimination. Special measures to protect maternity are permitted by the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). One of the core Conven-tions of the ILO is the subject-matter of the Declara-tion on Fundamental Principles and Rights at Work. Unlike many other measures aimed at protecting women, maternity protection is an essential protec-tive measure relating to women's unique biological role, a universally accepted, valid, exception to the
normal modern approach that focuses on gender equality rather than protective measures for women.

Another new element in the proposed Convention that expands to the very notion of maternity protection, as it is captured by the old Maternity Protection Convention (Revised), 1952 (No. 103), is health protection. The Maternity Protection Convention (Revised), 1952 (No. 103), was silent on this crucial issue. Health protection is a forward-looking provision that I am pleased to say was accepted and, indeed, desired by governments, employers and workers alike. This provision, specifying the working conditions of pregnant and breastfeeding women, is also a contribution to the area of measures aimed at combating gender discrimination. We must ensure a sufficient level of maternity protection; on this issue there seemed to be universal, or near universal, agreement in our committee.

While we have a common goal, discussions in the Committee have made all of us very aware of the different approaches to achieving equality that are taken in different parts of the world. The process of globalization highlights these differences and, at the same time, forces us to try to reconcile these different approaches. In some countries, detailed descriptive protection may be considered necessary in order to secure women's rights, but in other countries it may be more effective and acceptable to set out these rights and ensure that the enforcement means are available for them to be secured by women. Neither of these approaches is right or wrong. The question for us all to consider, is how the two systems can be reconciled in a global instrument.

I have given particular attention here to equality issues, since perhaps they did not always come to the fore of the Committee's discussions. However, it would be remiss of me not to mention the other important improvements achieved in the new Convention; indeed, they are many. First, the new Convention gives protection for the first time to large numbers of women who previously were not included; notably, the huge number of women employed in the informal sector, including those in atypical forms of work and disguised self-employment. Secondly, employment protection for pregnant and nursing women has been expanded to protect women throughout their pregnancy, up until a period when they return to work after childbirth. While this protection is no longer absolute, as it was under the Maternity Protection Convention (Revised), 1952 (No. 103), it nonetheless marks a major improvement in protection of maternity, owing to the much longer period of protection. Thirdly, the length of maternity leave is extended from 12 to 14 weeks. Fourthly, as I mentioned, there are new provisions on health protection of the mother and child, and against discrimination relating to maternity.

Finally, I would like to thank the Employers' and Workers' Vice-Chairpersons, Ms. Knowles and Ms. Engelen-Kefer, for their very constructive and cooperative approach throughout the Committee's work. In their different roles, they were both very careful to ensure that the increasingly important role of women in the labour market, and the implication of this for the development of society, were recognized and understood in our Committee.

I would also like to thank the reporter, Ms. Samuel, and the members of the Drafting Committee for their work well beyond the call of duty. I would like to thank my fellow Government delegates, who are so often willing to try to reach out to understand the points of view of those whose experience is rooted in different realities and, thereby, to build bridges across the regions. Last, but not least, I would like to recognize the tremendous assistance provided by the secretariat of the Committee. Their report helped our understanding of the issues and of the framework within which maternity protection can be viewed. As a result of their work, taking account of the many different views expressed, they were able to save the Committee a lot of work in arriving at a workable solution; for example, the text prepared by the Office in view of the replies received, helped us to avoid another long debate this year on additional leave for maternity-related illness or complications.

I would, therefore, like to thank Ms. Dy Hammar, Mr. Salter, Ms. Doumbia-Henry, and all the others, including the interpreters and technicians, and others behind the scenes, whose work contributed so much to our discussion.

Original Spanish: The PRESIDENT — The general discussion on the Report of the Committee on Maternity Protection is now open.

Original German: Mr. MUGGLIN (Workers' delegate, Switzerland) — Almost exactly a year ago the majority of citizens in Switzerland voted against a proposal for a maternity insurance scheme. You, to-morrow, as delegates of governments, workers and employers from throughout the world have the possibility to set the future minimal standards in the area of maternity protection. One of the goals of the ILO is to ensure that member States help to bring into force worldwide these standards in the foreseeable future.

Only the Workers' delegates in the Swiss delegation support the proposed Convention. The Swiss Government will abstain in tomorrow's vote. Regardless of the final text, this decision was already reached some time ago. The Swiss practice is to vote in favour of an ILO Convention only if national law already encompasses the provisions of the Convention or, in exceptional cases, if only minimum adjustments are required. If it has no grounds for opposing a Convention, the Government abstains and thereby deliberately jeopardizes the chances of reaching a quorum which is needed for adoption of a Convention. So it does not distinguish between the voting for a Convention and ratification.

The result of the referendum a year ago in Switzerland is also a further legitimization for the Swiss Government not to express a view on this question. However, the Government forgets that the Swiss people also voted a year ago for a revised Constitution that should, inter alia, require the State to establish a system of maternal insurance (Art. 116 BV). The Constitution's social goals stipulate that the federal Government and the cantons have to ensure that individuals are insured against the economic consequences of maternity (Art. 41, para. 2, BV). The Government does have a constitutional mandate here.

There are already various parliamentary initiatives under discussion, and a number of cantons in French-speaking Switzerland are currently contemplating their own maternity legislation.

However, at present maternity protection in Switzerland is very much an unmet need. In many cases, one cannot claim salary payments or equivalent bene-
fits. This depends on the number of years of service or the terms of the relevant collective agreement. The law stipulates a mandatory period of eight weeks’ leave after confinement, but it does not address the question of payment of salary. Thus, for the foreseeable future in one of the richest countries in the world there will be no countrywide legislation providing for maternity protection, in accordance with standards set forth in the Maternity Protection Convention (Revised), 1952 (No. 103), or with the new revised Convention. By abstaining, the Swiss Government is sending the wrong signal.

Given the current situation in the country, the Swiss Federation of Trade Unions does not demand the immediate ratification of this Convention. However, we would ask the Government to reconsider its long-standing practice with regard to voting and ratification, since it runs counter to the spirit of the ILO. It is the goal of the ILO to ensure the translation of the objectives enshrined in Conventions into the national laws of member States.

We are critical of the Swiss attitude, because it undermines the consensus needed for the adoption of Conventions by the ILO. In this process, the interests of other countries must be taken into consideration. National interests can be asserted at the time of the review or ratification of an instrument.

We hope, however, that there will be enough positive votes for the revised text of the Convention to help us to make a breakthrough, so that the groundwork can be done for the provision of maternity protection in accordance with the goals of the ILO, which also deserve our support. Maternity protection should be a core aspect of the fight to achieve equality between men and women workers. It is also a vital part of the basic protection of women and children, as highlighted in a recent ILO informational bulletin. I would recall the words of Ms. Knowles, the Employers’ Vice-Chairperson of the Committee, who said that maternity protection is too important for us to ignore.

Mr. VAN DER HEIJDEN (Government delegate, the Netherlands) — The Government of the Netherlands supports fully the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), for two main reasons. The first of them is the improvement of a 50-year-old Convention, and the second is the need for better flexibility in this new Convention. Looking at the content of the proposed Convention, we see several improvements made. I would like to present a few. It is very important that the new Convention contains a provision about the protection of mother and child health. Another improvement is the fact that the maternity leave period is extended from 12 to 14 weeks. My delegation is very glad that the provision about nursing breaks has kept its place in the Convention, and was not moved to the Recommendation.

Improvements have been made with respect to the flexibility as well. The provision about compulsory leave is formulated less strictly. Compulsory leave is not obligatory if this is agreed at the national level between the Government and the social partners. Also, the paragraph about the individual liability of the employer has become more flexible. This paragraph was a great barrier for ratification, and the new Convention has taken this situation into account and provides a more flexible clause in this matter. So we, the Dutch Government, think there is a new balance, with improvement and more flexibility. It has been almost 50 years, half a century ago, since the Maternity Protection Convention (Revised), 1952 (No. 103), was adopted. Fifty years of social progress and development should be clearly reflected in the revised Convention on maternity protection. My delegation is of the view that the proposed Convention has succeeded in this respect. It would be a bad political signal if this Conference could not support such an improvement. Finally, the Dutch Government would like to stress that the adoption of an instrument and the ratification of it are two separate things. You cannot take two steps at the same time. You should proceed step by step. Tomorrow we are deciding on the adoption of the Convention. Without a Convention, no ratification is possible at all. We should distinguish between those things. They are not the same. First, let us adopt the Convention, and afterwards move on to ratification. We should keep that in mind. To conclude, the Netherlands Government supports the new Convention, and I would like to stress, as the Worker member of the Committee so eloquently said a few minutes ago, that it is not only about maternity protection; it is also an instrument to combat discrimination against women. It is about, as the Director-General said last week in his address to this Conference, their jobs, their careers and their lives. It is about half the world’s population. I would like to call upon all the Governments in this room, and the Workers and the Employers as well, to support this revised Convention.

Mr. KUMAR (Labour Minister, Government of Orissa, India) — I am grateful to the President for giving me this opportunity. As one of the founding Members of the ILO, and keeping in view the need for extending the benefit of maternity protection to as large a number of working women as possible, India has been and continues to be in favour of all measures taken to protect the interests of working women and their children, including those relating to employment within maternity leave and payment of crèche benefits during that period.

We have regular laws called the Maternity Benefit Act, 1961, and the Employees’ State Insurance Act, 1948, which were enacted as far back as 1961 and 1948, respectively. Most of the provisions in these laws are already in keeping with the provisions of the existing Maternity Protection Convention (Revised), 1952 (No. 103). For example, the period of maternity leave provided in these laws is already 12 weeks; working women are entitled to full wages during maternity leave, as against two-thirds of previous earnings as provided for in the existing Convention. There are also provisions which entitle working women to leave in addition to the maternity leave in cases of complications arising out of sickness during pregnancy, miscarriage, etc. Further, the legislation provides in no ambiguous terms that the employers are prohibited from dismissing or discharging a woman from work during the period of maternity leave or during sickness arising out of pregnancy. After the conclusion of the maternity leave, the working mothers also get at least two breaks for nursing the child, for a period of 15 months.

There are other provisions in Indian legislation which are in keeping with the existing ILO Convention No. 103.

The reasons why India, like many other countries, has not been able to ratify the Convention is that it
has not been found possible to extend the benefits of these laws to all women, particularly women in the unorganized or informal sector. It was perhaps for such reasons that the Governing Body of the ILO considered it appropriate to suggest revision of the Convention so that the revised Convention could attract more ratifications, as against only 38 at present.

Surprisingly, the Committee on Maternity Protection, instead of providing for flexibility in the existing Convention, has taken a few decisions which, it is feared, will mean that there will be still fewer ratifications. For example, the Committee adopted the minimum period of maternity leave as 14 weeks, as against 12 at present. The Committee also seems to have made the exclusion clause much more prescriptive than at present. Similarly, the Committee has brought in the concept of paternal leave in the Recommendation.

While India supports all these new initiatives introduced by the Committee, we still feel that, keeping in view the special situation in which the developing countries are placed, it would have been better if the minimum period of maternity leave had been retained at 12 weeks and the exclusion clauses had been made more flexible. If this had been done it would have certainly paved the way for India and other countries to ratify the revised Convention.

This would have also been in tune with the thinking of the Governing Body of the ILO, which suggested revision of the existing Convention so as to attract more ratifications.

Original German: Mr. THÜSING (Employers' delegate, Germany) — The Employer Vice-Chairperson of the Committee has explained the reasons why the Employers cannot agree to the proposed text. Other colleagues will provide further explanations, and I will not go into details about all these questions. However, on behalf of the Employers' group, I would like to call your attention to the central issue, or rather I would like to remind you of it, because we have discussed it many times. The fact is that the Employers, having participated in the ILO's standard-setting process, which guides our approach, would like to see the standard-setting process reformulated. We have been asked for this for many years now, and have the impression that there is a growing sympathy for and understanding of our point of view. In other words, if the ILO is to play a meaningful role in the world today, given all of the changes which we are experiencing, then it should make sure that standards are set in such a way as to guarantee flexibility and a chance for their application worldwide. Our task here is a global one, and so we must make it possible for standards to be ratified and implemented worldwide.

The acceptance of a standard, and its ratification and implementation through national laws are all formal stages. But they are all interrelated. If a standard is accepted but has no chance of being ratified, then there is no chance of it being implemented either. The first step is taken here when we determine the standards that will be set. This is the first step and it tells us whether subsequent steps will be successful or not.

We have the impression that this need for reform of standard setting in the ILO is widely acknowledged. I remember the most recent discussions within the Governing Body where the point was stressed by governments from all parts of the world, and I remember the commitments made by the Director-General. This approach was used very successfully with regard to the Worst Forms of Child Labour Convention, 1999 (No. 182), which was widely ratified in 1999. We willingly agreed to consideration of the agenda item and a review of the Maternity Protection Convention (Revised), 1952 (No. 103). It is our opinion that we must also be successful here and now. The Convention is gathering dust in the archives, unratified, or ratified by very few, and has no chance of being ratified by any other countries. We want to have a standard which has a chance of being ratified.

We are very disappointed. We are very disappointed by the result as it stands. It is the same kind of disappointment we have often felt.

We cannot agree to the text, having considered it from all angles. We will certainly be criticized that we are against maternity protection, but this is too easy. Employers in many countries will be unable to accept these measures. There are other countries where the employers welcome further maternity protection provided that it is consistent with their own possibilities. They would certainly like to see a standard set which is realistic, practical and capable of ratification, really helping to provide maternity protection. This is not the case with the present standard, nor with Convention No. 103. Regardless of the decisions taken in this room, any government can take steps to provide maternity protection on the best, most reasonable and most generous terms it wishes. There is nothing to stop it. However, in our many years of experience, standards do not change reality just because they exist. They just gather dust in the archives: their existence does nothing to alter the outcome.

So, I have recalled these basic principles, which have guided the Employers in our discussions. We remain firmly of the view, despite all the disappointments, that the setting of standards is an important part of the ILO's work and should remain so. But it will only have significance if we go back to a realistic approach and set standards which have a real chance of being ratified worldwide. That is not the case here.

Mr. LAMBERT (Employers' delegate, United Kingdom) — For many developed countries, maternity protection at work does not depend on the international instruments. These countries already have high standards of maternity protection — standards which may equal or exceed those specified in the proposed revised Convention.

Achievement of these standards has frequently been achieved despite — rather than because of — Convention No. 103. This Convention was put forward for revision because of the low level of ratification — only 38 out of 170 or maybe now 175 States. This small proportion was the result of the highly prescriptive approach of the Convention.

Adoption of the revised Convention would compound that error. The modern world of work needs up-to-date, achievable standards in the near future — ones that are applicable globally. It is imperative that their scope and detail make allowance for national, social and economic realities, as well as religious and cultural diversity. They have to incorporate sufficient flexibility for countries with very different legal and social security systems.

This revision falls far short of achieving that. Despite the efforts of the Employers' group and some Governments, it largely replicates the defects of Convention No. 103. If adopted, this revised Convention
will fail to provide real protection for employed women and their babies in those areas of the world where it is most needed.

I would echo the call of Ms. Knowles for member States to review their policies within their national contexts, with a view to providing attainable, sustainable maternity protection. Such reviews need to balance carefully the interests of workers, employers and governments alike.

Many member States may be tempted to support the adoption of this Convention because they would like to see implementation globally of the standards it contains — even though their own country will almost certainly not ratify it. Other member States may be tempted to do so because such standards already apply within their own countries.

Such considerations are totally understandable, but the adoption of an essentially unratifiable Convention will not improve the protection of employed women and their babies. Its adoption would reinforce the position of the growing number who call into question the effectiveness, validity and future of the ILO as a unique international tripartite organization.

Mr. HYDER (Employers' adviser and substitute delegate, Bangladesh) — The text of the proposed Convention on maternity protection is in front of this Conference. As all of us recall, the aim of revising Convention No. 103 was to remove the barriers to ratification which led to the low level of ratification in the last 50 years.

Regrettably, the text as it appears has not removed those barriers for most of the developing countries in the world. I was hopeful that this year's revision exercise would result in a level of maternity protection at work which could be interpreted and applied as a meaningful standard within the realities of the nations that need social protection the most.

Too often, the protection provided in legislation is not or cannot be delivered. Maternity protection at work is an important issue for all employers and their workers, but unfortunately the approach and provisions contained in the revised text still fail to recognize that protection, if it is has to be real, needs to be attainable.

The inclusion of now 14 weeks of paid leave and paid breastfeeding breaks, just to name a few, do not look to accommodate the realities of a global situation. Such protection may be deliverable in the economies in the developed countries, but not in countries like Bangladesh, from where I come, or in other developing countries of a similar level of development.

From that point of view, the standards proposed in the revised text will remain unattainable, as they simply cannot be economically supported.

Too often, Conventions fail to recognize that a real diversity exists and that the "one-size-fits-all" response is, today, a totally flawed approach. Flexibility is needed to allow national implementation of standards that provide real protection at a realistic level.

I am concerned also at the expectations that surround a revision of a Convention. A revision entails a critical review of all the conventions provisions to identify where the true barriers to ratification lie and remove them. It is not just about increasing the entitlements to levels that further inhibit ratification. A common understanding of this process seems necessary if revision is to prove a useful means of modernizing ILO standards in the future. Unless that is done, this will remain another ILO standard which cannot be ratified by the developing countries.

Ms. IWATA (Government delegate, Japan) — On behalf of the Government of Japan, I would like to thank the Chairperson and the two Vice-Chairpersons, the Reporter and all the participants on the Committee on Maternity Protection for their efforts to complete this very difficult work.

Today, more and more women, including married women, play very important roles in the workplace. Maternity protection is a very important issue, not only from the viewpoint of protecting women's health, but also from that of promoting employment of women and gender equality.

Because of this, we all welcomed the discussion on the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), at the International Labour Conference last year and this year, dealing with this issue nearly 50 years after its adoption, considering the development of policies and measures taken in each member State and reflecting on new problems arising during these decades.

We evaluate highly some of the Committee's decisions, including the new provision on health protection of pregnant and nursing women and the strengthened provision on non-discrimination against women by reason of maternity.

However, I regret to say that I have some concerns about the proposed text of the Convention and the discussion which took place in the Committee.

It should be recalled that when we decided to discuss its revision, we had the intention to make this Convention more flexible in order for it to be ratified by as many members as possible. It is regrettable that this view was not shared by all the Governments, Employers and Workers in the Committee.

The Committee decided, in some cases, to keep existing provisions instead of approving the revised provisions proposed by the Office, following the positive discussion which took place last year.

In addition, the Committee also decided to create new provisions, some of which are too technical to be suitable for the majority of the Members. We are afraid that the draft Convention could not function as a minimum international standard.

The standard-setting activity of the ILO might lose credibility because the proposed text of the draft Convention has no chance of being ratified by many Members.

We will take a first step to start a comprehensive review of normative activities of the ILO at the November session of the Governing Body.

If the Convention to be adopted at this session of the Conference is unable to fulfil the goal we set at the beginning of the discussion, i.e. to make the Convention more ratifiable, it will be unfortunate for the discussion of the Governing Body, and for all workers, including, of course, women workers, as well as for employers and governments.

Ms. OKUNGU (Employers' adviser, Kenya) — Thank you for allowing me this opportunity to represent the women of Africa.

For two good weeks we sat on the Committee on Maternity Protection. There are quite a number of people here who really made it work.

It was a tough thing to go through. Being a woman myself, and being a young one of child-bearing age,
I think this would have been the best Convention in the world if, and I repeat if, we were not to face the socio-economic realities we have back at home.

From listening to the debates in the Committee on Maternity Protection one could form the view that Africa has levels of maternity protection comparable to that of the Western world.

That is simply not true, and Kenya is an example of that reality.

This year's discussions presented an opportunity to create a Convention which could provide women workers in our part of the world with real protection, protection which enabled women to bear children without fear of job loss or discrimination.

The final text of the revised Convention makes this goal as distant as that of Convention No. 103 for most of Africa.

Africa is not one country. Its diversity is displayed not only in the areas of language and culture, but also with regard to economic and social development. If maternity protection is to become a true reality, it must be affordable, attainable and capable of actual implementation and enforcement. The initiative has to sit with the need to ensure job creation and enterprise development in economies that are heavily informal. In this case I would remind you that in our situation in Kenya, 63 per cent of employed people, not just women, work in the informal sector. The formal sector has only 37 per cent. Employers can, and do, play their part but they cannot bear the cost of social protection alone, and I mean alone in the sense that, in Africa, our social security systems barely exist.

This revision does not recognize this reality. While protection must be more than the bare minimum, or aimed at the lowest common denominator, it must still be achievable. Prescriptive provisions which fail in a balanced way to recognize the interests of all those in the employment relationship doom the outcome to failure.

That, for me, is a true disappointment.

Original Spanish: Mr. DE REGIL (Employers' delegate, Mexico; Employers' Vice-Chairperson) — Once again we seem to find ourselves at the end of the Conference considering the adoption of a text, which has failed to meet the objectives established when it was put on the agenda for revision. The Maternity Protection Convention (Revised), 1952 (No. 103), has attracted only 38 ratifications since its last revision in 1952. Instead of critically examining the text to identify, and overcome the barriers to ratification raised by many member States, we now have a text which in many respects has raised entitlements but paid little attention to its possibility of ratification.

Many countries represented here will probably have no difficulty with the proposed text, as it provides lesser protection than they already have in their legislation, but that is not the point. The maternity protection Convention is too important to apply only to those countries which do not need an international Convention to guide them in this area. We should be more concerned about those countries which being unable to meet the standards of the Maternity Protection Convention (Revised), 1952 (No. 103), now remain in the same position with regard to the proposed text.

I am not suggesting that standards should be set at a level which renders them meaningless. The protection that they provide must be realistic, but surely they should also allow for the economic and social situa-

The new types of work which are beginning to emerge, and which will accelerate, require a modern response — one which maintains a balance between the need for effective protection, as well as the needs of enterprises. We do not want to create barriers for the employment of women, but neither do we want to reduce the possibility of creating employment and enterprise development. This is sometimes a fine balance, and I believe that we have missed an opportunity to show the world that the ILO can manage these sometimes conflicting interests and create an instrument that allows women who are now employed, but excluded from protection, to be truly protected in terms, and not artificial terms that cannot be attained in their countries.

Original Spanish: Ms. ANDERSON NEVAREZ (Workers' delegate, Mexico; Workers' Vice-Chairperson) — Men and women from all parts of the world have come to Geneva to work sincerely and with feeling in the Committee on Maternity Protection, set up by the ILO, to support working mothers in their dual function as workers and as mothers.

We have, for more than a year, been discussing a revision of Convention No. 103, which was approved by this Organization some 50 years ago. The 87th Session of the International Labour Conference discussed a number of amendments which were left for discussion at this session. All the workers' groups from our various countries, together with governments and employers, have examined, commented on and discussed the instrument and have made proposals or amendments during these important meetings.

There are countries which provide greater maternity benefits and which fear that their standards will be undermined if the Convention is adopted. However, for those countries which have more advanced legislation that exceed the levels of Convention No. 103 and the new text, the ILO itself in its Constitution, ensures that such higher benefit levels will not be affected, even if the new Convention is adopted.

I think the new revision of this Convention is a step forward. The ILO recognizes the right of countries not to lose what has already been achieved in the national legislation.

I invite all of you to approve the revised Convention, because it is a more advanced text. There are parts of the world which do not offer any protection at all, and this Convention will be an example for all. Let us help thousands of working mothers, and let us help their children. They have placed their hopes in us, in our discussion of this Convention, in the governments and in the employers and in us, the workers, who, in the ILO, have such a heavy responsibility in this tripartite parliament.

The eyes of the world are turned to the ILO and to us, the participants in this discussion on the question of maternity and maternity protection.

Mr. POTTER (Employers' delegate and substitute delegate, United States) — I am presenting the
remarks of Sandra Fiechtner, who was the United States Employers' adviser on the maternity protection Convention, who unfortunately was not able to stay here in Geneva and give these remarks. These are the remarks of an American professional working woman who is currently living in Europe.

It has been a rich and memorable experience for me to attend the International Labour Conference for the first time. My strong impressions have been formed both from the content of our important work on maternity protection as well as from the way we went about this work. Let me start with a few comments on our Convention.

A principle-based, non-prescriptive Convention was the approach we initiated over two weeks ago. Today, it is clear that we have failed. Our final product would improve this.

A twenty-first century approach to safeguard the health of women during maternity must not lose sight of the need to help all sides of the equation and keep them in balance in order to ensure that men and women work together equally.

Now a few comments on the way we went about our work. Yes, we worked hard and long hours, but it seemed surprisingly inefficient. The Director-General described the desire for the International Labour Organization of the future to be analytical and self-critical. In this high spirit I humbly suggest that the International Labour Organization look with fresh eyes in three areas.

First, the use of technology to support meetings. If we have sent a man to the moon, certainly we can find a faster way to have role call votes. The investment in technology would be recouped quickly in saving some time and frustration of hundreds of participants. Precious little time has been spent building on each other's ideas. Rather, most of the time was spent "selling" and defending positions. Better use of well thought-out working party efforts would improve this.

Third, meeting effectiveness. With full appreciation for the complexity of our task and respect for freedom of speech, it seems that even the basic principles of managing time and participation are not embraced. For the first-time participant this is rather shocking. Higher standards and better support to run such complicated meetings deserve priority.

Finally, I laud the impressive efforts of my Employers' group colleagues who proceeded with a high level of harmony and cohesion. I also express my highest regard for the expertise, leadership and stamina of Ms. Knowles, our Employer Vice-Chairperson.

Mr. BRETT (Workers' delegate, United Kingdom) — I had not intended to take the floor in this debate, but I was moved to do so by the eb and flow of arguments from our Employer colleagues and some Governments, and the tendency for all those flows to lead to one river of abstention. And I want to counsel against that.

Firstly, there are those who seek to reject these instruments because they wish to see a more fundamental review of standard setting. Mr. Thüssing said that; Mr. Potter said something similar. Latin American delegates have made it clear outside this meeting that they fear the revised standard lowers those standards already accepted half a century ago in Convention No. 103. They may abtain. The governments of other developing and developed countries take the view that, if they cannot ratify immediately, they should not support the revised Convention. They may abstain.

This is a recipe for failure and we have to consider what we are left with. It would not be a more dynamic Convention No. 103, to be accepted as the standard. As Mr. Thüssing said, it would be a relic gathering dust. For those who want to see the retention of something stronger, this will not be achieved by defeating this revised Convention.

Others who take the view, as my Government has done on occasion, that this is something we cannot vote for if we cannot ratify it — may I say to them and to all other governments, this is about inspiration, it is about targets. May I remind my own Government that when Convention No. 138 was debated many years ago here, I suspect it probably abstained. My Government ratified Convention No. 138 last week — so many years later.

This shows that even in the developed world setting standards does form a target, and without targets how are we to improve the lot of women across the world? This is not a technical standard. It is not simply any standard. It is a standard involving half the world's population and the whole of the world's future. It is a standard that will enable women to participate, it emancipates women; it is not some sterile technical standard.

To my Employer colleagues I say, I understand you want to see a revision of the standard-setting machinery; I understand you want to see the process modernized. That is indeed an ongoing debate in the Governing Body. But you should not seek to make this debate about the principle of standard-setting rather than a judgement of the past two weeks' deliberations.

Now, much of what Mr. Potter said I absolutely agree with. I think we should look at the technology, we should look at how we do business. But we should look at it on the basis of what we are here for — to set ratifiable standards, I agree, but to set standards for the world, not standards for the lowest common denominator.

Mr. KINLEY (Government delegate, New Zealand) — Let me first indicate that the New Zealand Government intends to support the adoption of the
revised maternity protection Convention and Recommendation which have resulted from the work of the Committee on maternity protection. This position is in our view the natural end point of our engagement and good faith in the revision of the previous maternity protection instruments. As other speakers have indicated, this was at times a particularly difficult Committee, dealing with contentious issues and in an environment that was not without occasional conflict. There were, however, positive developments to come out of the work of this Committee and these should not be understated.

The proposed revised instruments contain improvements in a number of areas, including extensions of the protections provided under the 1919 and 1952 instruments.

As a number of other speakers have stated, there have been improvements in terms of the extension of the period of maternity leave provided under the Convention. The scope of coverage of the Convention has been broadened. There has been an improvement in the anti-discrimination provisions in the Convention, and health protection provisions have also been introduced.

Improvements in the practicability and ratifiability of the proposed revised Convention have also been made by the Committee in comparison to the 1919 and 1952 instruments.

The provisions relating to compulsory leave now recognize the situation of countries where the protection of compulsory leave is ensured by alternative mechanisms. The provisions relating to cash and medical benefits are more permissive and reflect the range of ways in which these benefits are delivered.

The provisions relating to nursing breaks are more responsive to the range of differing needs of mothers, and the manner in which the exclusion provisions can be applied has been made more practical.

A key question emerged, however, over whether the exercise matched the expectations of all the participants. It is clear that a number of amendments were not successful and that none of the participants in the Committee's deliberations were successful in achieving all the amendments that they had proposed.

The conclusions of the Committee can thus be seen as a reasonable compromise between the tripartite participants of the Committee. However, this outcome and the path we have travelled to reach it may not have fully reflected the spirit of the proposed reform of standard-setting activities, as discussed in the Director-General's Report to the International Labour Conference last year, Decent work.

It was clear in this Committee that the objectives of revising existing standards at a time when the International Labour Organization is debating options on the means by which the Director-General's proposals for reform may best be delivered, may be interpreted in different ways by different people.

For that reason, we consider that it is important that social dialogue occur within the tripartite framework of the International Labour Organization, so that there are clear expectations regarding the outcome that the revision of existing instruments is seeking to achieve.

It is important in seeking such expectations that an overall perspective of the role of standards be retained, and that all parties seek to deliver on the Director-General's vision for the renewal and enhancement of ILO labour standards.

The New Zealand Government would like to express its appreciation to the Officers of the Committee in guiding the Committee through these occasionally trying discussions. We would also like to express our thanks to the representatives of the Secretary-General and the secretariat for their excellent preparatory work and the guidance that they offered during the course of the Committee's deliberations.

Finally, we would like to make a special mention of the efforts of the Working Party of the Committee, in particular its Chairman, the Government delegate from Canada, for attempting to reach a consensus position on the difficult issues at the centre of this discussion. Their work in seeking a consensus position was commendable and clearly expedited the Committee's work.

Original French: Ms. JOIN-LAMBERT (Government delegate, France) — The French Government will vote in favour of the Convention and the Recommendation on maternity protection as revised by the 88th Session of the International Labour Conference. But this affirmative vote is not only due to the fact that France will be able to ratify the Convention, subject to a few improvements in French legislation regarding, in particular, the burden of proof in cases of dismissal.

We are in fact fully aware that an ILO Convention is not a French convention, nor is it a convention of the developed countries; it affects and concerns the whole world. And we will have a major effort to make with regard to public opinion, to make people understand that the standards which we examine here are intended not to limit — the often better — protection given in our countries, especially in France but rather to improve the situation of women workers in all countries, in particular the developing ones.

I would stress that we do not link this matter to the discussions taking place in the ILO on standard-setting policy. For us, that discussion is far from concluded and to make this Convention a test of standard-setting policy would be in my view inappropriate.

With our vote, the French Government wishes to recognize the important work done in the Committee by the Workers' representatives and those of the Governments and Employers to improve protection by comparison with the Maternity Protection Convention (Revised), 1952 (No. 103), while respecting the cultural diversity of member States.

The French Government also considers that at the stage which the Committee's work has reached today, a rejection of the revised Convention would be a serious blow to the ILO, because this is a central issue for society: that working women can give birth to their children while benefiting from the indispensable protection for their safety and health.

Ms. BERESFORD (Workers' delegate, New Zealand) — This text is a text for the twenty-first century. Some who have commented upon it today clearly have not read it, or have not read it carefully, it seems. Have they compared it systematically with the Maternity Protection Convention (Revised), 1952 (No. 103)? I urge those people to do so today.

I also want to refute totally suggestions made to governments that if they vote for the adoption of this Convention, they are obliged to move immediately to ratification. That is simply not true.

As the Government member for the Netherlands reminded us, one step at a time. First adopt the...
Convention at this 88th Session and each country can then carefully consider whether or not it wishes to ratify it. I urge everyone here to adopt the revised Convention on maternity protection that so many of us, Workers, Governments and Employers, have worked so hard on for so long.

Why have we done so? To provide the basic provisions for women to be able to participate in paid work without discrimination, and in a way that honours women's key role in society as the bearers of children and their primary care givers.

To those who are thinking of abstaining, I urge you not to do so. At the least that would be an abrogation of responsibility. At worst it would be an incredibly destructive act.

Let us also reflect upon the preamble of the proposed Convention, which notes the need to revise the 1952 Convention, and I quote "in order to further promote equality of all women in the workforce and the health and safety of the mother and the child, and in order to recognize the diversity in economic and social development of Members, as well as the diversity of enterprises, and the development of the protection of maternity in national law and practice".

So the revision attends to the needs of women. It attends to the needs of children. It attends to the requirements of enterprises and of countries with differing cultures and levels of economic development.

Last year we were so very proud of our adoption of the Worst Forms of Child Labour Convention 1999 (No.182). Since then many countries have either ratified or are considering internally whether to ratify that Convention. And that is how it should be.

Let us be as proud this year of our work on behalf of women and children generally, as we were last year for our efforts on behalf of the most exploited of our workers.

I urge you most sincerely to adopt this Convention.

Ms. ROBINSON (Government delegate, Canada) — Let me begin by confirming Canada's support for ensuring that women are not discriminated against on the grounds of pregnancy, childbirth, breastfeeding, and that the health of pregnant women and their children is protected.

It is important to recall that the decision to revise the Maternity Protection Convention (Revised), 1952 (No. 103), was based not only on the need to update the standard to reflect changes in the workplace and in national practices, but also to modify some of the Conventions' overly prescriptive provisions, in order to allow for broader ratification.

The Committee was successful in updating the Convention, and Canada welcomes the addition of health protection, a prohibition on pregnancy testing, stronger non-discrimination provisions, as well as other improvements which were well explained by the Reporter.

However, with the exception of provisions on compulsory leave and employer liability, which were made more responsive to countries' situations, prescriptive provisions, which prevented many countries from ratifying the Maternity Protection Convention (Revised), 1952 (No. 103), remain in the revised Convention.

While we agree with the protections in the revised Convention, we are concerned that its prescriptive provisions on how to implement those protections will continue to pose barriers to ratification.

Discussions in the Committee were difficult, and there was a lack of consensus stemming from two quite irreconcilable approaches. Some were of the view that the Conventions should set a high standard and that removing the Maternity Protection Convention (Revised), 1952 (No. 103)'s prescriptive provisions would result in a lowering of protections.

Others took the position that the Convention could be made less prescriptive without lowering protections.

These difficulties point to the need to address a number of issues in the context of the review of normative activities.

There is a need to reach a common understanding of what an international standard should constitute. Should it be an ideal standard that is higher than existing norms in most countries, or a universal standard providing adequate protection, which can be ratified and implemented by a large number of member States?

There is also a need to examine how Conventions can be drafted, so as to ensure adequate protections without including overly prescriptive provisions on how to provide these protections, which ultimately become barriers to wide ratification.

Better preparation of technical items, including preliminary discussions in the Governing Body, would contribute to the development of Conventions which can be widely ratified and implemented, thereby extending protections to more workers.

In conclusion, I would like to thank the Officers of the Committee, the Reporter and all those who worked very hard to reach a conclusion on this important issue.

Original Arabic: Ms. ABDEL HADI (Workers' adviser and substitute delegate, Egypt) — In the name of God, the Merciful, the Compassionate! The interest of the Director-General and Governing Body in the question of maternity protection is related to one of the ILO's core activities, which requires the support of all the social partners.

Maternity protection is the ultimate investment in human resources. The revision of the Maternity Protection Convention (Revised), 1952 (No. 103), for the third consecutive year, coincides with the United Nations Conference, Beijing +5, that was held a few days ago in the follow-up to the first Beijing Conference. This Convention is a minimum of what should be done to protect women and mothers. The laws of Arab countries are based on religious precepts that accord women many rights. Therefore, both our laws and national practice reflect a large degree of interest and importance given to working woman as a pillar of society.

We strongly support this Convention, which is the result of considerable debate. We feel that sufficient work has been done to allow us to proceed with the adoption of this important instrument. I call on the social partners to support working mothers and to ratify and approve this Convention, recalling that a working mother is a daughter, mother and sister. Maternity protection means protection for society as a whole and for the workforce of the future. This is something that we all need.

I thank the President of the Conference for accepting the work of this Committee. I also thank the Worker Vice-Chairperson who was very patient and
level-headed, helping to bring together the different views of the different members of the Committee.

I hope that you will listen to the voice of justice, which is the voice of working women throughout the world. Since they have to face the consequences of globalization with their only protection being the provisions of the old maternity protection Convention, adopted in 1952, we hope that more progress will be achieved in terms of protection of working women. We therefore call once more on the social partners to support this Convention.

Original Portuguese: Mr. RIBEIRO LOPES (Government delegate, Portugal) — The Portuguese Government is basically in favour of the proposed Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 and the corresponding proposed recommendations.

With regard to the proposed Convention, which is the more important instrument, our views are based on two main reasons. First of all, the proposed Convention provides satisfactory solutions to the major difficulties and obstacles which have prevented the ratification of Convention No. 103 by a large number of countries. Furthermore, it improves the overall scope of maternity protection. Convention No. 103, as you all know, was hindered by four obstacles to ratification. The proposed Convention provides reasonable solutions which we believe would facilitate ratification by those countries which encountered difficulties in ratifying the previous instrument. The proposed Convention stipulates that each Member which ratifies it may exclude, wholly or partly, from its scope of application certain limited categories of workers when its application to them would raise special problems of a substantial nature. Furthermore, the principle that maternity leave shall include a period of six weeks' compulsory leave after childbirth can be derogated if so agreed at the national level by the government and the representative organizations of employers and workers.

The absolute prohibition of dismissal during maternity leave contained in the previous Convention is replaced by the protection of a woman's employment, which is a good deal more balanced. Convention No. 103, may I remind you, does not protect the worker against dismissal on the grounds of pregnancy before the start of maternity leave, or against dismissal following maternity leave during the period of entitlement to nursing breaks. In other words, the present Convention does not protect her during the periods in which she is most vulnerable. Neither does it protect her against illnesses that are directly linked to maternity. The proposed Convention improves employment protection during maternity. It extends the period during which workers are protected and prohibits termination of employment on grounds directly related to maternity. The system for financing maternity leave benefits allows employers to take direct responsibility for the payment of these benefits according to three different scenarios. This eliminates the obstacles faced by governments of countries with relatively restricted social security systems.

The second reason why the Portuguese Government is in favour of adopting this Convention is because it improves health protection for both mother and child.

As regards employment protection, which I have just referred to, the proposed Convention contains four improvements:

First, the principle whereby a worker who is breast-feeding her child has a right to work in conditions that are not harmful to either her health or to that health of her child. The Portuguese delegation is proud to announce that it is among the first countries to have adopted measures to protect both mother and child, and also that both social partners have approved these measures. Second, maternity leave is up from 12 to 14 weeks. Third, a worker who is nursing her child has better protection and can request nursing breaks during her working hours or a reduction of daily hours of work, both of which shall be counted as working time and remunerated accordingly.

Finally, maternity should not constitute a source of discrimination. A woman who is a candidate for a job cannot be subjected to a pregnancy test or cannot be obliged to present any certificate to confirm that she is not pregnant, except in certain very justified cases which are provided for by national law.

Many benefits during maternity leave are maintained. This is one of the central points of the Convention, and a very sensitive point, particularly for the Governments and for the Workers. The value of benefits is at least two-thirds of normal income before maternity, although this did not satisfy delegates who thought that these benefits should be at a higher level, nor those who thought that they should have been less. Between these two opposed alternatives then the rule of two-thirds is the most reasonable solution because it avoids emphatic opposition from either side and will facilitate the adoption of the Convention, and its subsequent ratification by a greater number of countries.

It is also true that in order to facilitate the ratification of the Convention there is a degree of flexibility applicable so that countries whose economies or whose social security systems are less developed than others can, nevertheless, move forward to ratification. Countries in this position can in fact accept less than two-thirds of a woman's previous earnings for maternity entitlements.

The new Convention does match the objectives which were at the origin of the revision of Convention No. 103. The new Convention improves, we think, maternity protection, both in relation to the woman and to her child, and it takes into account the progress that has been made in a number of countries. At the same time, it offers sufficient flexibility in national terms to make it possible for a greater number of countries to ratify it.

At the same time, the new Convention is not a text that contains merely principles or prescriptions. That would mean that it could be ratified by a greater number of countries but that it would have no practical effect as regards national means of maternity protection.

Portugal will vote in favour of the proposed new Convention and Recommendation and, with the social partners, will recommend them to Parliament for ratification.

Original German: Mr. WILLERS (Government adviser and substitute delegate, Germany) — I did not originally intend to take the floor on this subject because I would guess that Germany will be able to ratify the new Convention, although there are certain doubts on Article 8, paragraph 1. But as soon as these are cleared up ratification should take place. However, as I have listened to the words that have been
spoken, I have had to leave aside my good intentions not to speak. I therefore have asked to take the floor.

I think that many people have said that the Convention is too complex, too detailed, and then have concluded that this Convention would nullify attempts in the ILO to reform standard-setting policies, or at least that it would counteract them. However, although they might not be completely wrong, it would be sending the wrong message to use maternity protection at work as a vehicle for this message. This issue is too important to be used as a symbol for the changes necessary in standard-setting policy.

New Zealand and France have spoken extremely sensibly on this subject, and I would emphasize what they have said. So I would seize this opportunity to call upon all delegates to take part in the vote, and to vote for the Convention. And I am addressing this call, like my Dutch colleague, to the representatives of those Governments who are perhaps hesitating in respect to whether they can ratify the Convention. This is not completely relevant. The agreement to the adoption of a Convention, and this is something that Lord Brett said, cannot be seen as a commitment to create the national conditions for national ratification. If those delegates fear that their governments will be subject to pressure at home to back up the agreement made here in Geneva with ratification at home, well, they would be able to deal with this by making a declaration relating to the motivation of their vote here at the Conference. So seize this opportunity and vote for the Convention tomorrow.

Original French: Mr. PARROT (Workers' delegate, Canada) — I would like to avail myself of this opportunity to congratulate the Committee that has done an excellent job on this very important issue. There are a few points that have already been raised by preceding speakers that I would like to address. The first one is a very important point. We have heard here many times the argument that this Convention would run counter to legislation and practice in certain countries and, consequently, it will be unratifiable.

What would be the point of the ILO if it only adopted standards that were in conformity with the legislation and practice in all the countries of the world? If that were the case, the ILO would serve merely to maintain the status quo. If in some countries there were no standards at all, the ILO would be obliged not to adopt any standards, as otherwise it would run counter to the national practice of the country in question.

I think this is a very dangerous argument indeed. What it means is that some countries which consider themselves developed would never adopt any Conventions because they would run counter to their legislation, and they would not be ready to amend such legislation. The whole purpose of adopting new standards is to give countries a reason to adapt their legislation, so as to ratify them.

The second point I would like to raise concerns the contention that we are currently revising the standard-setting system of the ILO. I would like to say that we have not yet really begun this revision process. At the last session of the Governing Body, the Workers' group clearly stated that before any effective revision can take place, some guarantees must be established to ensure that the revision process does not result in a weakening of standards.

My third point is this. We have before us here a Convention that is not, strictly speaking, a technical Convention. It is a Convention that recognizes differences in the workplace. It recognizes the fact that work is different for men and women, it recognizes that women are disadvantaged in the workplace by comparison with men. There is a very obvious reason for this and it is something that is beyond our control: women bear children, men do not, and there is nothing we can do about that. But what we can do is to ensure that women enjoy the same advantages as men, by affording them protection — as we are trying to do through this Convention. In other words, we are trying to ensure that women do not lose their jobs simply because they are pregnant, that they do not lose the benefits and the advantages that they should enjoy simply because, for a certain period of time, they cannot be present at the workplace. I think that this is very significant. After all, when we start adopting employment programmes, then we in the ILO constantly seek to encourage the participation of women, not just in the workplace but in society as a whole; that this is part of the objective of the ILO. If women lose their jobs then they obviously no longer enjoy the kind of protection that should be afforded them and no longer enjoy the opportunity of playing their rightful part in society — an opportunity of which men are never deprived for those reasons.

This being the case, I do not believe that we should make this Convention some kind of test case for the standard-setting process. We should not merely set it out — as some have suggested — to make it ratifiable. I think that we have to take a decision here to recognize that women should enjoy the same advantages at work as men, without losing other advantages to which they are entitled and which allow them to participate fully in decision-making within society. This would allow women to make their voices heard and would allow them to be full and equal partners in society at all levels. If we don't grasp this, then we are going to go on moving backwards, and we are going to fail to encourage women to participate as they should. In fact, we are going to go back to the situation we had in the past, where women were just supposed to stay at home, chained to the kitchen sink.

That is why we need this Convention. We have had Convention No. 103 for 50 years and things have changed a lot in those 50 years. Women now work, women now participate in economic terms in bringing up children, and we recognize today that women and men have to work together. That is why we must provide the services required to allow them to work together, and to allow children to be brought up as they should.

Society has changed, and we have to change, too. I think we have an opportunity tomorrow, an opportunity to vote for a Convention that will allow us to acknowledge that change has taken place. To all the Governments who say that revision of the standard-setting system is necessary because we need modern standards, I would say this: what could be more modern than ensuring that women of today are recognized as women of today, and not women of yesterday?

Ms. NZOMO (Government adviser, Kenya) — I wish to thank the President, for giving me the opportunity to talk here on behalf of the African Government delegates, who wholly support the draft Convention just presented to us this morning.
It is very difficult to satisfy the various interests presented in this plenary. However, there is a need to come to a compromise. One of the issues that has been raised is the extension of the maternity leave to a minimum period of 14 weeks. The extension, according to the African Government delegates, was found to be extremely necessary, and is beneficial to everybody, including the employers. A reasonable period following childbirth, during the maternity period, has the following benefits; women work better when they have had sufficient rest after childbirth, and have had time to breastfeed their babies. Also, the children become healthy, and employers, therefore, spend less in medical bills since children could fall sick as a result of not being properly breastfed. A woman employee is more likely to settle down and work if she has also had reasonable time to rest, instead of taking time off to look after the baby and also to get their own medical attention.

Emphasis attached to a social security fund for financing maternity benefit is one of the major handicaps to the ratification of the Maternity Protection Convention (Revised), 1952 (No. 103), among most African countries. However, this document states that in addition to a social security fund, as in the draft Convention, funds from both the employers and the public would be used to meet maternity benefits. This caters for the interests of the majority of African countries who do not have social security assistance which is developed sufficiently to cater for maternity protection. African Governments, therefore, associate fully with the proposed maternity protection. In the new millennium, other sources to finance maternity benefits, and to reduce the burden of the employers in the African countries, have to be explored. This includes setting up social security funds; it is also hoped that the ILO will make technical assistance available for this purpose.

It has been implied that the proposed Convention is not favourable to developing countries, but the standards of maternity protection in some of these developing countries is much higher than the protection being offered in the draft Convention. Therefore, the African countries would not have a problem in voting positively for the draft Convention.

The discussions of the Committee on Maternity Protection were open and positive, and the Committee at that level adopted the draft document. This draft gives room for flexibility in the application of the Convention.

I appeal to you to vote wisely for the proposed document, which directly applies to the existence of individual countries and humanity at large. Maternity protection is a necessity and not a luxury. Thus, to allow women only two extra weeks to recover from the hazards of pregnancy, childbirth and postnatal problems, is not asking for too much. Once again, vote wisely, as mothers, fathers of mothers, and individuals, for the dignity of the women and children in the twenty-first century.

Original Arabic: Ms. ABOULNAGA (Government delegate, Egypt) — The delegation of Egypt wishes to extend thanks to Ms. Andersen, the Chairperson of the Committee on Maternity Protection, the two Vice-Chairpersons, and the Workers' and Employers' groups for their efforts during the deliberations of the Committee, and for their excellent management of the Committee's work. The delegation of Egypt wishes also to extend its thanks to the Officers of the Committee and the Reporter.

The delegation of Egypt welcomes the new Convention and supports its principles and provisions. The Government of Egypt, together with the other social partners, attaches great importance to the various provisions aimed at promoting the protection of working women, particularly those relating to health and social protection and to economic benefits, that enable women to fulfil their responsibilities both towards their families and society.

In this connection, I wish to confirm that Egypt's national legislation includes provisions that offer more generous protection than that which is afforded under the present Convention. Egyptian law currently provides for a period of 12 weeks' maternity leave. We therefore cannot agree to the provisions of the Convention which stipulate an entitlement of not less than 14 weeks.

The delegation of Egypt wishes to draw attention to the fact that the Egyptian Government is developing national labour law in a manner consistent with various social changes and the process of economic development in the country.

(The Conference adjourned at 1 p.m.)
Twenty-first sitting
Wednesday, 14 June 2000, 3.15 p.m.

Presidents: Mr. Flamarique, Mr. Moorhead

COMMUNICATIONS

read by the Clerk of the Conference

Original Spanish: The PRESIDENT — Before we start this afternoon's business, I call on the Clerk of the Conference to read out two announcements.

The CLERK OF THE CONFERENCE — The first communication is from the Workers' Electoral College dated Wednesday, 14 June 2000. It reads as follows:

The Workers' Electoral College met on Wednesday, 14 June at 9.45 a.m. on the occasion of the 88th Session of the International Labour Conference, in accordance with articles 50, 51, 52 and 54 of the Standing Orders.

Lord Brett was elected Chairperson of the Electoral College. Mr. Simón Valesco attended as Representative of the President of the Conference.

In accordance with article 54, paragraph 5, the Electoral College confirmed the appointment made by the Workers' group of the Governing Body in November 1999 of Ms. B. Swai (Tanzania) as Deputy Member to replace Ms. H. Kasungu from (Tanzania).

The communication is signed by Lord Brett, Chairperson of the Workers' Electoral College, and by Mr. Simon Velasco, Representative of the President of the Conference.

The second communication comes from the Venezuelan delegation and is in Spanish. It reads as follows:

Mr. President,

In connection with the communication that the Clerk of the Conference read out on 9 June last, signed by the Workers' representative and the Employers' representative, and exercising the right to reply to which I am entitled by the Standing Orders of the Conference, I wish to state the following:

Firstly, our concern and surprise that such a communication, should have been drafted, published and read out, which is not in line with the strict application of the rules of the Organization.

Secondly, as regards the substance of the communication, I have to inform you that the events that are taking place in Bolivia and in the Republic of Venezuela, far from constituting a serious risk to freedom of association, as it says in that communication, strengthen the trade union movement within the framework of a general process of reform and transformation that has been taking place in Venezuela since 1999, and which is supported by the immense majority of the citizens of Venezuela.

Thirdly, I have to reiterate the faithful commitment of the national Government to respect fully its international commitments, and, particularly in this context, those resulting from the international Conventions adopted by the International Labour Organization and ratified by Venezuela.

Finally, the national Government, which is determined to pursue the process of reforms that has been started in order to bring about the changes that are required for Venezuelan society, in the most absolute respect of our institutions and democratic ideals, has since the drafting of a new Constitution in 1999 embarked upon consultations with all sectors — including the employers' and workers' organizations — in order to achieve these changes and transformations through a frank and open dialogue, which will naturally reflect different viewpoints and approaches. As we have shown, there is no reason not to continue what we started in 1999.

I would be grateful if this communication could be read out in the plenary of the Conference, and reiterate the assurance of my sincere consideration.

The communication is signed by Mr. Rubén Darío Molina, Director of the Office for International Relations and Liaison with the ILO, and is dated Geneva, 14 June 2000.

REPORT
OF THE COMMITTEE ON MATERNITY PROTECTION:
DISCUSSION (cont.) AND ADOPTION

Original Spanish: The PRESIDENT — We shall now resume the general discussion of the report of the Committee on Maternity Protection.

Mr. NGUYEN (Government delegate, Viet Nam) — I had not intended to take the floor, but listening to the various views expressed this morning has caused me to add my voice to those of earlier speakers who have spoken in support of the proposed Convention on maternity protection.

Previous speakers have already highlighted a number of improvements that have been included in the proposed Convention. I will not repeat them all in detail, but simply highlight two important improvisations, that is to say, two aspects of protection which are important improvisations, but also be-

I want to highlight these two elements not only because they are important improvisations, but also because they received support from all three groups within the Committee. There was a clear need, which was felt by governments as well as the social partners, for these vital elements of maternity protection — health protection and non-discrimination — to be included in the new Convention — they were totally lacking in the old.

I also wish to signal to the Conference as a whole, the impressive effort made to reconcile divergent
views in the course of the Committee's deliberations. At the end of last year's discussion there was still a very wide gap between the position being defended by the various groups.

Many critical issues were left to this year's Committee to resolve. Over the past two weeks, we have made remarkable efforts to find a balanced solution which would take into account the views of all parties. Not every provision of this instrument will satisfy every delegation and not every country will be able to ratify it in the near future. Nonetheless, we recommend this instrument to you and urge you to vote positively for its adoption. We need to ensure that the areas of clear improvement are not lost. We need to ensure maternity protection for the greatest number of working women, offering them leave, benefits, health protection, job security and the right to work free of discrimination. For these reasons, my delegation urges you to support the proposed Convention by a positive vote tomorrow. Working women are counting on you.

Original Spanish: The PRESIDENT — We shall now proceed to the adoption of the body of the report itself, i.e. the summary of the discussions in Committee, in paragraphs 1 to 704. If there are no objections, may I consider that the body of the report — paragraphs 1 to 704 — of the Committee on Maternity Protection is adopted?

(The report — paragraphs 1 to 704 — is adopted.)

PROPOSED CONVENTION CONCERNING THE REVISION OF THE MATERNITY PROTECTION CONVENTION (REVISED), 1952 (No. 103): ADOPTION

Original Spanish: The PRESIDENT — We shall now proceed to the adoption of the Proposed Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 (No. 103). Can I consider that the Proposed Convention as a whole is adopted?

(The Convention is adopted as a whole.)

In accordance with paragraph 7 of article 40 of the Conference Standing Orders, the provisions of this Proposed Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), as adopted by the Conference, will be submitted to the Conference Drafting Committee for the preparation of the final text.

PROPOSED RECOMMENDATION CONCERNING THE REVISION OF THE MATERNITY PROTECTION RECOMMENDATION, 1952 (No. 95): ADOPTION

Original Spanish: The PRESIDENT — We shall now proceed to the adoption of the Proposed Recommendation concerning the revision of the Maternity Protection Recommendation, 1952 (No. 95). May I consider that the Recommendation as a whole is adopted?

(The Recommendation is adopted as a whole.)
regard were very different and some members submitted a draft resolution with a view to replacing the recommendations made by the Governing Body.

Two general sessions were held, the first was for general discussion so that everyone could give their points of view and opinions on the matter. Before the second session of the discussion, there were consultations with different groups and delegations. Subsequently, in my capacity as Chairperson, I decided to propose a compromise text seeking to reconcile the different positions which had been expressed.

The majority of the members of the Committee acknowledged that the proposal recognized both the urgent need to take a decision about the measures to be applied and also the need to suspend application of those measures so as to give the Government of Myanmar more time to take concrete measures to eliminate forced labour.

The draft resolution was adopted by the Committee by 33 votes in favour, 4 against and 3 abstentions, a total of 40 delegates with the right to vote were present at the session.

The Committee, therefore, submits a draft resolution to the Conference whereby, in principle, the five measures recommended by the Governing Body would be approved. These measures are referred to in paragraphs 1(a) to 1(e) of the draft resolution. Paragraphs (a) and (e) refer to the follow-up by the Committee on the Application of Standards of the Conference and the Governing Body of the measures taken by Myanmar to comply with the recommendations of the Commission of Inquiry.

In points (b) and (c), the International Labour Organization constituents, and other international organizations, are requested to look at their relations with Myanmar to ensure that these will not result in the continuation or extension of forced labour in the country, and that they continue to inform the International Labour Organization of the situation.

Under (d) the Director-General is invited to request the Economic and Social Council to include an item on the agenda of the meeting to be held in July 2001, that is, in a year's time, with a view to adopting the measures which are similar to those set out in points (b) and (c).

In recognition of the fact that Myanmar has taken a positive step by opening the door to cooperation with the International Labour Organization, the Committee recommends to the Conference, in paragraph 2, that those measures be suspended until 30 November 2000, unless, before this date, the Governing Body is satisfied that the intentions expressed by the Minister of Labour of Myanmar in his letter dated 27 May were fulfilled and therefore render the implementation of one or more of these measures inappropriate.

Lastly, in the resolution, the Director-General is authorized to respond positively to any requests for assistance and cooperation made by Myanmar for this purpose.

The Selection Committee now submits to the Conference the results of its discussions and the draft resolution which is set out in the annex to this report.

Mr. BRETT (Workers' delegate, United Kingdom; Worker Vice-Chairperson of the Selection Committee)

— As spokesperson of the Workers' group, I support your report and would like to thank you personally for the efforts you have made to arrive at what I believe is a satisfactory result and a basis for consensus.

I have no harsh words at this point for the Government of Burma. The harsh words are already set out in the report of the Commission of Inquiry. They are already set out in the minutes of various Governing Body meetings over the past five years. They are also contained in the report of the 87th International Labour Conference and in the resolution carried at last year's session of the Conference, and they are contained in Provisional Record No. 6-4 which deals with the report and the recommendations of the Commission of Inquiry.

What I want to explain is why the Workers' group is supporting this compromise. It is simplest to say that within the Selection Committee, whatever differences there might have been, there were basically two views. There were those who wanted action now on Burma and there were those who wanted to give the Government of that country a little more time because of its response in the letter of 27 May.

The majority, those of us who wanted immediate action, were persuaded by the minority. We were persuaded that we should give a last chance, a period of grace of five months, to put the sincerity of the Government of Burma to the test, that technical assistance should be made available, that we should have, in fact, a solution to this five-year old question and finally resolve the debate by November this year.

It was not an easy decision. It was not a decision that we relished or that came very easily, but we took it because we thought it was the only way of getting a consensus, firstly in the Selection Committee, and secondly in this plenary sitting of the Conference.

We were therefore very saddened that we did not get that consensus. We would not have got anywhere near it, but for the excellent efforts of your good self and the text you provided. We had enough confidence in that text and in your wisdom, and we decided to swallow hard and to join in what we hoped would be a consensus.

Some governments found that it was not possible to do so and other colleagues on the Employers' side felt obliged at that stage to abstain from a decision. But we had hoped that the 48 hours would bring with it reflection and wisdom and that we would reach a position where we could say that we are confident of a consensus. The text passing before us suggests that there is not yet a consensus, so this is my last appeal on behalf of the Workers to the Government of Burma, and to those governments in the region that support it, to try one last time to get a consensus on the text before us.

It is an historic day. Article 33 is being applied for the first time. I do not believe any reasonable government has anything to fear from that. A precedent is created by using article 33, but it is a precedent that no government should fear. You have to have gone through a decade of something as heinous as forced labour, you have to have had a major Commission of Inquiry and ignored its findings for several years, to even be a candidate for this kind of resolution.

Therefore, at this late stage we would still appeal, particularly to governments in the ASEAN region, to show their support for the changes required in Burma to withdraw their amendments even at this late stage and seek a consensus.
I therefore have the pleasure, on behalf of the Workers' group, of thanking you yet again for your efforts, and expressing the hope that we can reach a consensus on this proposal, without which a vote will be necessary.

Original German: Mr. THÜSING (Employers' delegate, Germany; Chairperson of the Employers group) — The Employers' group finds it difficult to deal with this resolution from the Selection Committee which you have before you.

We agree with the general thrust, which we have supported for some years now, right from the beginning of the discussion of this problem. It is a question of making sure that the Convention on forced labour is upheld. That document has been ratified by Myanmar. We must ensure that the recommendations of the Commission of Inquiry are implemented. It is nothing more than that, and nothing less either.

The Selection Committee in the end agreed on a middle path. It is not following the recommendations of the Governing Body, but it is also not following the proposal put forward by some governments that this decision should only be taken in June of next year, at the next session of the Conference.

One of these alternatives would seem to be necessary; the other is impossible. The resolution before you is, as I have said, a happy medium between the two. As regards the decision concerning article 33 of the Constitution, and the measures which must be taken under article 33, the decision itself can only be taken by the Conference, but the implementation of these measures, and more precisely the decision concerning the scope, the timing and the way in which this is implemented, is a decision which is referred to the Governing Body.

As I understand it, the referral to the Governing Body means that the Governing Body will be able to take its decision with complete flexibility, taking into account developments which are observed at that point in time.

This middle way which the resolution has followed was taken because the Government of Myanmar for the first time showed an attitude which would justify some hope of openness to discussion. The Government has explicitly stated this in a letter from the Minister of Labour.

Obviously, all of us took different views of their stated readiness to cooperate. Some people were sceptical. Some were more hopeful. We have placed our hopes in a positive attitude, and we have lobbied for this. And we think that in cases of doubt, in this house, trust should be given pride of place.

Between now and November, quite a lot can be done if there is good will among all the parties concerned. I would like to remind you that it is also part of this resolution that the Office and the Organization should provide facilities, help and support for the Government of Myanmar if the Government wishes such assistance.

This is an important part of the resolution. The Office has in fact undertaken an obligation in this sense.

When we consider the questions which we have to deal with today, and also the cooperation which has to take place between now and November, we should remember that only cooperation is in the spirit of this Organization. We do not want to have any confrontation, because confrontation does not get us anywhere at all.

I would like to try to clear up some points which have been mentioned in the discussions in the Selection Committee and elsewhere. It is not a question of punishment. People have talked about punishment, but this is a sovereign, independent country, and nobody can impose their will on the Government of Myanmar. Punishment is not something that is within the mandate of the ILO. We do not have the right to sanction, and we do not want to have such a right. It would be pointless and counterproductive. Nor is this a question of economic sanctions.

Economic sanctions in the context of a social clause are not something that the Employers in this house support. If we even mention the term "social clause" it is because we think that it is important against the background of discussions that we are having around the world, and in the context of the demands that are being put forward and will continue to be put forward, to make it clear that the ILO is the forum where these questions can be solved in cooperation, in confidence and in trust.

My friends in the group, even those from developing countries, have understood this point very well, and they fully support the position of the Employers. It is not a question of having some kind of scenario where you have the powerful countries against the small countries. We have a majority here of small, developing countries, and such scenarios would simply prevent us from taking any action at all.

What we are talking about here is acting together in the interests of all parties so that we can achieve our aims. I know that in such questions as this one, there are certain sensitivities, and of course I understand that everybody is aware of that, but this should not in fact be a hindrance. It should not get in the way of taking a positive decision on a positive development.

Myanmar is a small country compared with others. Many in my group are familiar with this country, and feel that they have links with it because they live in the same region or they have a common culture. But we also all know, even if we are not at home in the Asian region, that there has been an enormous contribution from this country in world culture and art. And these are things that we all have, we are all aware of, and we are all conscious of. The citizens of that country are respected by everyone in this room. I would remind you that we are here in the International Labour Organization, the oldest specialized agency of the United Nations. We want to defend the dignity of this country in the world. This has already been done by the second Secretary-General of the United Nations, U Thant, who made a contribution to achieving the objectives of the United Nations. Working together, in a common struggle to achieve common goals to which we have all committed ourselves is the only way which can bring lasting success. I would like to appeal to the Government of Myanmar, which holds the key to all this in their hands. In the light of the significance of this question, I would like to beg you to accept this offer to work together with us. This will be an important time in our history, and we should not get bogged down in amendments and points of order.

Original Spanish: The PRESIDENT — We shall now open the general discussion on the Committee report.

Mr. DATO‘ZAINOL ABIDIN (Government delegate, Malaysia) — I am making this statement by
We as member States of the ILO continue to insist on the question of observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), which the Governing Body has decided to place on the agenda of the 88th Session of the International Labour Conference. The Asian labour ministers, at their 14th meeting held on 11 and 12 May 2000 in Manila, discussed the matter constructively with a view to contributing to a resolution of this problem. The ministers welcomed the invitation extended by the Government of Myanmar to the ILO technical cooperation mission to visit Yangon, and they strongly urged the ILO to send the mission to assist Myanmar with implementation of the Convention.

As everyone is aware, the ILO mission visited Myanmar from 23 to 27 May 2000. We welcome this visit and would like to place on record our sincere gratitude to Mr. Somavia, the Director-General. We also commend the members of the technical team for all their efforts.

The visit and the report of the ILO technical cooperation mission to Myanmar mark important progress in efforts to secure the commitment of the Government of Myanmar to resolving the forced labour issue. This new development and, in particular, the sincerity and willingness of the Government of Myanmar to cooperate in finding a solution to this problem represent a significant change and a major step forward. It is our earnest hope that account will be taken of this significant change and a major step forward.

The Government of Myanmar went out of its way to help the technical team meet as many key government and other representatives as possible, including members of the diplomatic community. Its aim was to enable the mission to have an objective view of the situation in Myanmar.

We would therefore request that the members of this august body also look at the issue in an objective fashion, since this belief would be in the interests of all the parties. In light of the foregoing, we take the view that the most effective and pragmatic means of resolving the issue of Convention No. 29 is cooperation, rather than drastic measures. The measures envisaged may have far-reaching ramifications, and could seriously undermine all the efforts taken thus far to resolve this question. We call upon the Members of the ILO to build upon the progress achieved by the technical cooperation mission and to work with the Government of Myanmar to elaborate a comprehensive framework for the elimination of the practice of forced labour in Myanmar. We also ask the Members to refrain from applying measures pursuant to article 33 of the ILO Constitution, as these are not necessarily justified.

Original Portuguese: Mr. BARCIA (Government delegate, Portugal) — I am honoured to speak on behalf of the European Union and I would like to read the following declaration in the language in which it was approved.

(The speaker continues in French.)

Original French: I am honoured to speak on behalf of the European Union. The Central and Eastern European Associated States — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, as well as the Associated States of Cyprus, Malta and Turkey also subscribe to this declaration.

First of all, may I emphasize that we feel that serious violations of human rights are systematically committed in Myanmar. In these circumstances the European Union has implemented restrictive measures since 1996, measures which have recently been reinforced, urging the Government to take concrete initiatives to end the violations of human rights and particularly forced labour.

May I now thank the Director-General for his Reports and also the ILO technical cooperation mission to Burma. This mission focused its attention on the recommendations of the Commission of Inquiry. We have taken due note of these reports, which we deem to be balanced and constructive. However, we feel that, given the essential issue which is being discussed at this Conference, three factors need to be underscored.

First, the continuation of the practice of forced labour in Burma. Second, that the tools to solve this serious problem are, and always have been, in the hands of the Burmese authorities. And third, that no significant step has been taken up until now with a view to implementing the recommendations of the Commission of Inquiry. Indeed, the Report of the Director-General of March 2000 could not be clearer. The Village Act and the Towns Act have not been amended. Forced labour continues to be imposed in a widespread manner and no punishment has been imposed on those responsible for forced labour on the basis of article 374 of the Penal Code. This is why the European Union feels that concrete measures under article 33 of the Constitution of our Organization should be adopted by this Conference.

We have not taken this decision lightly. For a long time the ILO and its constituents have, in the spirit of dialogue, indicated their readiness to cooperate completely with the Government of Burma. Indeed, we have been forced to act by the generalized and persistent use of forced labour in Burma and after having tried every possible measure for years with the Burmese authorities. It is not a double penalty, but an appropriate response to an extreme situation. Article 33 exists for exceptional situations, such as this, where serious violations of human rights persist despite the continued efforts of the Organization. It is, in our opinion, the minimum that one can and should do in the light of the indignity of forced labour of which the people of Burma are victims. In this specific context the credibility of the ILO is at stake.

In conclusion, I would like to recognize the work done by the Selection Committee and the efforts to obtain a consensus made by the Chairperson of that Committee. We do not feel, as in the case of any compromise, that the document submitted is perfect. We do not feel, for example, that the very general promises set out in the letter from the Minister of Labour of Burma to the Director-General "reflect a welcome intention on the part of the Burmese authorities to take measures to give effect to the recommendations of the Commission of Inquiry". Nonetheless, we are open to accepting the compromise and to giving the Burmese authorities one last chance by granting an additional deadline for them to implement before 30 November effective and tangible measures with a
view to implementing the recommendations of the Commission of Inquiry. If everything goes well, as we indeed wish, we will just have to follow and support those initiatives. If not, the measures under article 33 will immediately come into force and the responsibility for this happening will rest exclusively with the Government of Burma. Therefore we request the Director-General to submit to the session of the Governing Body in November a report on this matter and we would be in favour of granting ILO technical assistance between now and November to the Burmese authorities if it is used in the framework of the provisions of the resolution approved by the Conference in 1999.

In these circumstances, the European Union gives its support to the resolution before us and we call upon the other member States to vote together with us with a view to showing that the ILO is a credible and effective organization in the defence of fundamental principles and rights at work.

Mr. LEPATAN (Government delegate, Philippines) — The adoption of measures under article 33 of the Constitution has no precedent in the long history of the ILO. The adoption of such measures will open a Pandora’s box, the consequences of which nobody can foresee. Prudence dictates that such measures should only be resorted to as a last recourse, when all other avenues for resolving the problem have been closed. That stage has not yet been reached. The avenue for a cooperative solution, opened by the ILO’s technical cooperation mission to Myanmar, remains to be fully explored and exploited. It is with this in mind, that the ASEAN group proposed a resolution in the Selection Committee, but would defer the adoption of drastic measures under article 33. This would give Myanmar time, with the help of the ILO, to demonstrate in concrete terms its sincerity and willingness to comply fully with its commitments under the Forced Labour Convention, 1930 (No. 29). If progress is achieved through this avenue, it may not be necessary for this body to consider measures that our predecessors in this Organization took care to avoid.

It would be useful to note that ASEAN did not block the adoption of the Governing Body’s recommendations during its 277th Session, and the ASEAN resolution in the Selection Committee did not in any way seek to alter the Governing Body’s recommendations. In presenting the resolution, ASEAN was not asking that the sword of article 33 be turned into ploughshares, only that the sword be placed in the scabbard while cooperation with Myanmar is being worked out. Should cooperation fail, then the sword remains available to the Conference.

This, we believe, is a more logical and reasonable approach than the proposal now to adopt measures to threaten Myanmar and to force cooperation. It is, therefore, unfortunate that the proposed ASEAN resolution, and another compromise formula submitted to the Selection Committee, were not given the hearing they deserve. ASEAN is thankful to the Chair for allowing the ASEAN resolution to be placed on record. History may be the better judge on the wisdom of the ASEAN resolution.

We believe that this Conference should open doors not close avenues. We continue to believe that the best approach is the cooperative approach, through the avenue opened by the ILO’s technical cooperation mission. Accordingly, my delegation, on behalf of several other Government delegations, namely Cambodia, Indonesia, Lao People’s Democratic Republic, Malaysia, Myanmar, Singapore and Viet Nam, will present to this body a set of amendments to the resolution submitted to the Conference by the Selection Committee.

It is our hope that the Chair will allow us, at the appropriate time, to introduce the amendments that we believe will keep the possibility of cooperation alive and put the time and effort already spent on the technical cooperation mission to good use.

Ms. KUNADI (Government delegate, India) — India is strongly opposed to the practice of forced labour. Article 23 of the Indian Constitution prohibits forced labour and any contravention of this provision is an offence punishable in accordance with the law. India is also fully committed to the ILO Constitution. We have been supportive of the Declaration on Fundamental Principles and Rights at Work and its promotional follow-up. We believe that countries voluntarily adhering to the ILO Conventions should comply fully with them.

With regard to the matter before us today, we have always advocated dialogue and cooperation between the ILO and the Government of Myanmar. It was therefore a matter of satisfaction for us when there was a movement in the right direction, in the form of the recent visit of the ILO technical cooperation mission to Myanmar. The report of this mission indicates that the Government of Myanmar fully honoured its commitment to give the mission the necessary freedom of action to make contacts. The mission had meetings at the highest levels of the Government. According to the same report, the mission was assured that any forced labour practices would be dealt with and punished in accordance with the law. As indicated in the letter of 27 May from the Minister of Labour of Myanmar to the Director-General of the ILO, Myanmar also showed its openness to continued consultation and technical cooperation with a view to resolving the matter.

We are opposed to the punitive measures recommended by the Selection Committee as, in our view, the ILO’s objectives and workers’ rights can best be promoted through dialogue and technical cooperation, not through punitive measures or the threat of such measures. The desirability of such measures is all the more doubtful at a juncture when a process of dialogue has already been initiated through the visit of the technical cooperation mission. We also have grave doubts about the desirability and legislative authority of the recommended measures that seek to take the issue to other organizations outside the ILO.

We believe that the adoption of punitive measures would not serve to move things in the right direction and could indeed be counter-productive. India is of the view that further consideration of this matter should be deferred, so that the process of dialogue and cooperation, initiated through the visit of the ILO mission, may be carried forward to resolve outstanding problems and issues, and that nothing should be done to negate the trust resulting from the mission’s visit. We are accordingly opposed to the resolution on the subject, transmitted to the Conference by the Selection Committee.

Mr. ZAINAL (Workers’ delegate, Malaysia) — I stand today in this august house in support of the
Workers' group's stand in respect of the very important issue which is being discussed.

During this session of the Conference, the first in the millennium, we are addressing issues concerning workers' interests and their livelihood as human beings, particularly in Myanmar. While going through the reply dated 27 May 2000 from the Myanmar Labour Minister to the Director-General, I noticed that the Myanmar Government does not appear to satisfy the recommendations of the ILO's Commission of Inquiry. The Government of Myanmar's answer is unclear.

The Commission of Inquiry clearly stated its finding that any action constituting forced labour in violation of Convention No. 29 should be rendered illegal under national law. The Commission further stated that the Government should ensure that all legislative provisions in force that permit the imposition of forced labour should be repealed or properly amended. So what is proposed here? The provisions of the Village Act and the Towns Act should be brought into line with the Forced Labour Convention, 1930 (No. 29), and the penalties imposed under section 374 of the Penal Code should be strictly applied to all persons imposing forced labour. We have seen no assurance in this regard from the Myanmar Government so far.

Forced labour in Myanmar is not a new phenomenon; it has been in the system for many years now, with the Government making countless promises through the years that corrective and remedial action would be taken to bring national laws in line with the forced labour Convention. We have not seen any tangible evidence to date. As I said, the Myanmar Government is serious about the issue, despite its rejection of a recommendation of the Commission of Inquiry, as stated in the report. The Workers' group of the Governing Body has, for its part, made firm representations on several occasions under article 24 of the ILO Constitution, calling for concrete measures and pointing out the need to eliminate forced labour in Myanmar.

Every citizen has the right to freedom of association, worship, and the right to assembly without let or hindrance from the regulatory authorities.

The trade union movement has not been allowed to exercise its rights in Myanmar, and this is a departure from the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The ILO has given ample time to the Government of Myanmar since last year when we discussed this topic. Last year, in this august house, we deliberated, we decided, we voted and we gave the Myanmar Government a year to correct themselves, to make a change. Some countries are now calling for the Myanmar Government to be given still more time. If the Myanmar Government is serious about this problem, it can carry forward the process of dialogue and cooperation. To cast doubts on Myanmar's intentions and to insist on extreme measures will not serve the cause of the workers. Instead of imposing sanctions, a more reasonable course, in the view of most delegations, is the corporate approach proposed by the ASEAN member States, which is to continue the ongoing process of dialogue and cooperation, and to review progress at the November session of the Governing Body.

Mr. THAN (Government delegate, Myanmar) — This august assembly is about to take action regarding the resolution on the situation in Myanmar, contained in the appendix to Provisional Record No. 6-4. The question before us is one of great importance and extreme gravity. This is a time for soul searching. We must search our hearts and minds and think deep within our hearts. We must weigh more carefully whether the path of confrontation and coercion recommended in the resolution is, I quote, "wise and expedient". Or, whether the path of dialogue and cooperation is better, and more likely to produce fair results desired by us all. Let us not talk about the past. Let us talk about the present. More importantly, let us talk about the future.

Myanmar has indicated that it is ready, and willing, to cooperate with the ILO. The report of the technical cooperation mission makes it absolutely clear that Myanmar has indeed cooperated, and is willing to carry forward the process of dialogue and cooperation. To cast doubts on Myanmar's intentions and to insist on extreme measures will not serve the cause of the workers.

Never in the history of the ILO has article 33 been invoked to impose sanctions on a member State. This should never occur. Much less, if the member State concerned has voluntarily cooperated with the ILO, and if it has been already subjected to sanctions under the resolution of the 87th Session of the International Labour Conference. The sanctions contemplated under article 33 are contrary to the spirit of the ILO Constitution. As stated in the Selection Committee on 9th June last, the application of sanctions will be tantamount to the ILO assuming the powers of the United Nations Security Council. More importantly, it set a dangerous precedent. Any developing country may fall victim to this mechanism. The resolution contained in the appendix to Provisional Record No. 6-4 as it now stands, is excessive and extreme. It is, therefore, totally unacceptable to my delegation. It is a dangerous resolution. Its provisions, particularly operative paragraphs 1(b), 1(c) and 1(d), recommend sweeping and unwarranted drastic measures. The resolution would certainly have far-reaching legal implications. Particularly, the legal basis and the permissibility of measures recommended in operative paragraph 1(c), are highly questionable, to say the least. The moral and political implications of the
resolution are also disturbing. It is hoped that the
Conference will choose the path of dialogue and co-
operation, rather than the path of confrontation and
correspondence. The former path will certainly enhance the
image of the ILO, and will further advance the cause of
workers. It is also hoped that reason, sense of jus-
tice and fairness, and spirit of cooperation shall pre-
vail eventually.

Ms. GERVAIS-VIDRICAIRE (Government ad-
viser, Canada) — Canada remains gravely concerned
about the situation in Burma and the grave violations of
human rights in that country. We are satisfied that
the ILO's technical cooperation mission was able to
visit Burma a few weeks ago, and I have read the con-
clusions of the mission with great interest.

While pleased with the spirit of the Minister of La-
bour's letter of 27 May 2000, we are disappointed that,
despite repeated calls from the ILO and its Members,
the Government of Burma has not yet taken any
concrete or tangible steps to implement the recom-
endations of the 1996 Commission of Inquiry about
Bringing an end to forced labour in that country.

Article 33 was included in the ILO Constitution to
deal with countries that fail to comply with the recom-
endations of the Commission of Inquiry, within the
time specified in those recommendations. Canada be-
lieves that the lack of concrete response so far by the
Burmese authorities and the seriousness of the situ-
ation with regard to the continued existence of forced
labour in Burma fully justify the invoking of this arti-
 cle. At the same time, in a spirit of compromise, we
are prepared to give some more time to Burma before
the measures provided for under article 33 take effect.
We sincerely hope that Burma will use the coming
months to take concrete steps to implement the rec-
ommendations of the Commission of Inquiry and
demonstrate that its words can, indeed, be matched
by the actions required. Canada will, therefore, sup-
port the resolution put before us, and is grateful for
the efforts of the Chairperson of the Selection Com-
munity in preparing this text.

Mr. FARRELL (Government adviser and substitute
delegate, New Zealand) — I would like to take this
opportunity to outline briefly the New Zealand view
on the report of the Selection Committee. It is evident
that there has been little serious effort by the
Government of Myanmar to cooperate with the ILO and
comply with the Commission of Inquiry's recom-
endations. Considering the seriousness of the Com-
mision of Inquiry's findings, it is appropriate that this
matter be given due and proper consideration and
that action be taken by the ILO. We support the rec-
ommendation of the technical cooperation mission to
the effect that Myanmar needs to develop a compre-
ensive framework of legislative, executive and ad-
ministrative measures to halt all practices of forced
labour. Consistent with our approach during the
March session of the Governing Body, we support the
resolution before us, approving in principle the mea-
sures recommended by the Governing Body under
article 33. But we agree that Myanmar should be
given until 30 November to undertake sufficient and
concrete measures to demonstrate that the Commis-
sion of Inquiry's recommendations have been ful-
filled. This gives Myanmar an opportunity, which we
trust it will take up, to translate into practical action
the intentions expressed by the Minister of Labour of
Myanmar in his letter dated 27 May to the Director-
General of the ILO.

Mr. SAMET (Government delegate, United States)
— We are here to consider a most serious matter, that
is, whether we will stand with the people of Burma
who are suffering greatly or whether we will turn
away. The proposal before the Conference is that
drafted by the able Chairperson of the Selection
Committee, Minister Alfaro Mijangos of Guatemala.
It is, as has been said, a compromise. It gives the Bur-
inese regime five more months to bring about full
compliance with its obligation to stop subjecting the
Burmese people to forced labour.

Frankly, my Government saw no reason to delay
our action for even one more day, let alone five
months, but we have accepted to move forward on the
basis of the consensus proposal now before the Con-
ference.

The arguments presented against the proposal are
essentially that it is too harsh or too hasty. For our
part, we think the proposal is neither. If we want to
consider what is harsh, what is extreme, let us remind
ourselves of what the report of our Commission of
Inquiry tells us, and let us also remind ourselves that
our Commissioners are persons who work with the
great care and deliberation. They are the former
Chief Justice of India, the former Chief Justice of Bar-
bados, and a distinguished jurist and public official
from Australia. And here is what they concluded:
"All the information and evidence before the Com-
mision shows utter disregard by the authorities for
the safety and health as well as the basic needs of the
people performing forced or compulsory labour. Por-
ters, including women, are often sent ahead in partic-
ularly dangerous situations as in suspected minefields,
and many are killed or injured this way ... Forced
labourers, including those sick or injured, are fre-
quently beaten or otherwise physically abused by sol-
diers, resulting in serious injuries; some are killed, and
women performing compulsory labour are raped or
otherwise sexually abused by soldiers." Harsh, in-
deed, Mr. President.

Or let us consider the argument that we are being
hasty. On the contrary, the action before this Confer-
ence comes after a very, very long time, and after the
repeated rejection by the Burmese regime of the va-
idity of this Organization's concerns expressed over
literally decades to the Committee of Experts, the
Committee on the Application of Standards and the
Committee on Freedom of Association. A rejection
repeated as recently as last Friday, when the Burmese
representative again denounced the proposal present-
ed by Chairperson Alfaro Mijangos, and denounced
the Selection Committee for approving it. We are
here today two years after the report of the Commis-
sion of Inquiry which recommended that forced la-
bour in Burma be immediately stopped. We are here
after two subsequent Reports by the Director-Gener-
al, one in May 1999, and one in February of this year,
that forced labour has not been stopped. We are here
a year after the emergency resolution passed by last
year's Conference, and we are here because the Gov-
erning Body in March determined, after the most
thorough consideration, to recommend action under
article 33 of the Constitution.

Again let us recall what the Commission of Inquiry
said and consider whether they would accuse us of
haste, and I quote again: "This report reveals a saga of
untold misery and suffering, oppression and exploitation of large sections of the population inhabiting Myanmar by the Government, military and other public officials. It is a story of gross denial of human rights to which the people of Myanmar have been subjected particularly since 1988 and from which they find no escape except fleeing from the country. The Government, the military and the administration seem oblivious to the human rights of the people and are trampling upon them with impunity. Their actions gravely offend human dignity."

No, we have not acted hastily. Perhaps the record will show we have acted, if anything, too slowly.

Let us also consider the arguments that we are being unreasonable, unfair or punitive, and that dialogue is far more likely to yield results.

We would submit that it is the Burmese régime which has been unreasonable, unresponsive, punitive and, indeed, contemptuous not only of the needs of their own people but also of every effort made by this Organization over more than a decade to ask them, plead with them and, finally, to demand that they simply stop using forced labour.

As for the alleged new-found interest in dialogue, unfortunately we think the record hardly shows the change of attitude that some suggest.

The report of the technical team before the Conference shows only that all four senior Burmese officials denied the existence of forced labour in Burma — denied it. They only seem to disagree as to whether there ever might have been forced labour in Burma. And anyone who sat through the Selection Committee debate could quite easily hear that there is no dialogue, only more denial.

Finally, as to those who would say that our action will not be effective in stopping forced labour in Burma, they might well be correct, although they are surely wrong that we will get better results from doing less. And it most clearly remains the fact that the ability to stop forced labour is with the Burmese military, where it has always been.

The question before us is what is our moral or political and our legal responsibility, given the human rights crisis reported to us by the Commission of Inquiry? We must be as clear and as steady as our Commissioners. We must uphold their work. We must uphold their courage. We must uphold the Constitution of this Organization. We must uphold our basic obligations to each other. To do any less, to look away, to avert our gaze would be to break faith with all that we are and hope to be. We dare not. Now is the moment to stand with the Burmese people and not with those who oppress them.

I pray and I trust that we will do what we know to be just for the Burmese people, and that we will approve this resolution.

Original Spanish: Mr. RAMÍREZ LEÓN (Workers' delegate, Venezuela) — The draft report and the draft resolution placed before us in this plenary by the Selection Committee is the product of a calm analysis of rational discussions, and this is clear from the speeches of Mr. Thiising (Employers' delegate at the Conference) and Brother Bill Brett (Workers' delegate at the Conference).

In the report we have, in summary, ideas which have been expressed by different Governments on the subject regarding the need to approve this resolution. This would not be a punishment for the Burmese people. It is not a condemnation of the country. On the contrary, it is in favour of a people that is being subjugated, sacrificed to the worst and most horrifying of practices that strike at the very essence of humanity. We cannot be indolent and unmoved in the light of these facts.

The International Labour Organization has paid close attention to this issue. Last year's Conference, the Governing Body, the Committee on Freedom of Association: in all these forums the authorities made a number of promises to correct this aberration of forced labour, as if we were still in the Middle Ages. We cannot go on tolerating the scene of people, men and women and children, trampled underfoot. They are forced to work and give their labour in a way that is counter to their dignity.

Thus, the Workers, conscious of their responsibility, unreservedly support the conclusions in the draft report and in the resolutions submitted by the Selection Committee.

However, this resolution has achieved neither a greater nor a better balance because it envisages providing continued assistance to the authorities so that they can correct the errors and the practice of forced labour and it still requires the ILO to provide full cooperation, and, in spite of everything, a new deadline of the meeting of the Governing Body in November has been proposed when article 33 of the ILO Constitution will be invoked.

The international community, which has considered this issue in depth, cannot continue to accept this situation. In November the ILO, for its own credibility, must adopt a position with a view to establishing measures that could put an end to the practices of forced labour in Burma.

Mr. SKOGMO (Government adviser and substitute delegate, Norway) — Norway is gravely concerned by the persistent violations of human rights in Burma. We deeply deplore the fact that, despite repeated calls from the ILO and the international community, the Burmese authorities have continued to inflict the practice of forced labour on their people.

Norway welcomes the report of the ILO technical cooperation mission, which took place in Yangon from 23 to 27 May this year, and the letter dated 27 May 2000 from the Minister of Labour to the Director-General. However, we are deeply worried that the Burmese authorities have not yet taken any concrete action to comply with the recommendations of the Commission of Inquiry.

Norway urges the Burmese authorities to enter into a constructive dialogue with the ILO in order to ensure immediate and full compliance with the recommendations of the Commission of Inquiry.

Norway considers that, unless the Burmese authorities promptly take steps to adopt the necessary framework for implementing the Commission of Inquiry's recommendations, specific measures should be implemented in accordance with article 33 of the Constitution of the ILO.

The Norwegian Government therefore supports the resolution submitted to the Conference by the Selection Committee.

Ms. JANJUA (Government adviser and substitute delegate, Pakistan) — Pakistan has ratified the Forced Labour Convention, 1930 (No. 29), and we are opposed to all forms of forced labour.
Forced labour in Myanmar has been an issue of concern in the ILO, following the submission of the report of the Commission of Inquiry.

We note, however, that Myanmar has shown a willingness to cooperate with the international community to address the problem of forced labour. Pakistan, therefore, is opposed to the resolution forwarded by the Selection Committee for consideration by the Conference. Our position is based on two points of principle.

First, we oppose a sanction-based approach. Therefore, we believe that measures should not be adopted under article 33 of the Constitution. Invoking sanctions under article 33 is an extreme provision, and has never been resorted to in the history of the Organization.

Today, adopting measures under this article would send an extremely negative signal to member States of the Organization that are willing to cooperate and work with the ILO to implement international labour standards.

Secondly, Myanmar has recently welcomed the technical cooperation mission and has expressed its clear willingness to work with the ILO to eliminate forced labour.

The technical cooperation mission was given complete freedom of action by the authorities in Myanmar. The situation, therefore, has changed since the adoption of the recommendation to the Conference by the Governing Body. This should be taken into account by the Conference.

Myanmar invited the technical cooperation mission which has presented a rather balanced report. It is clear from the report that the Government of Myanmar has shown its commitment to work with the ILO in dealing with the problem of forced labour.

We believe that adopting the resolution before the Conference today may not help to deal with the problem. It could hardly help the Government of Myanmar to work towards dealing with the issues identified in the report of the Commission of Inquiry.

We strongly support the path of cooperation and dialogue between the ILO and the Government of Myanmar. The process of cooperation and dialogue, which commenced with the technical mission, must move forward.

We, therefore, disagree with the content of the resolutions sent by the Selection Committee to the Conference, and strongly recommend that we should work for cooperative action instead of adopting a confrontational approach.

Those who are proposing action on the resolution proposed by the Selection Committee, must realize that such confrontation will only create fissures in the Organization, and can hardly serve the purpose of promoting ILO standards.

The adoption of harsh measures is not advisable by any Organization, especially the ILO, which is based on tripartite cooperation.

The promotion of labour standards to a sanction-based approach has been consistently opposed by developing countries. This is a fact.

There is an obvious need for greater dialogue and cooperation within this Organization, instead of resorting to punitive action by adopting the proposal before us today.

Finally, we do not believe that the resolution forwarded by the Selection Committee provides the middle ground, or a compromise. We stated clearly in the Selection Committee that the extreme poles were between those who wanted punitive measures under article 33 and those who, like us, wanted the Conference to take cognizance of the commitment made by the Government of Myanmar by inviting the technical cooperation team. We are of the view that this invitation could help in resolving the issues.

The resolution drafted by the Selection Committee ensures the implementation of punitive measures against a developing country.

Original Chinese: Mr. LI (Government adviser and substitute delegate, China) — The Chinese Government has consistently been of the opinion that technical cooperation and dialogue are the means with which to promote the effective application of international labour standards by the member States, whereas any form of sanction and punishment is not conducive to the general resolution and solution of such problems.

We have noted that there has been very positive progress in terms of technical cooperation in the field of the Forced Labour Convention, 1930 (No. 29), between the ILO and the Government of Myanmar. Yet the Selection Committee still insists on the application of article 33 of the Constitution, and has carried out extreme measures against Myanmar.

This has now occurred for the first time in the ILO's history. It has created a very dangerous precedent. Therefore, the Chinese Government opposes the application of article 33 of the Constitution.

We hope that the ILO and the Myanmar Government establish a dialogue in the field of the application of Forced Labour Convention, 1930 (No. 29), and will be able to achieve better results.

Original Spanish: Ms. HERNÁNDEZ OLIVA (Government adviser and substitute delegate, Cuba) — The purpose of my statement is not so much to deal with the substance of this issue, as we do not have sufficient knowledge for an objective view of the situation in Myanmar. For my delegation, the crux of the matter is to demonstrate that the application of an ILO Convention is a matter which should be dealt with by this Organization. The refusal of most Members to apply a sanction for non-observance of a Convention has been repeated on many occasions.

It has also been repeated that it is for the ILO to deal with labour standards within the framework of its own procedures. Therefore, transferring these responsibilities, or establishing links with other international bodies for this purpose is not in keeping with the ILO's mandate. The most effective way of achieving the objectives of improving the situation in Myanmar would be through cooperation and dialogue. We feel that these means have not been exhausted yet. The decisions which have been proposed should be put off.

My delegation calls upon the Members to think about the danger involved in applying article 33 of the Constitution. That would establish a precedent for the use of coercive methods and mechanisms which are not part of the ILO's procedures.

Mr. AHMAD (Workers' delegate, Pakistan) — I intervene at this late hour because the workers of Pakistan belong to the part of Asia to which Myanmar also belongs, and we participated in the deliberations of the Governing Body and of the Selection Committee.
I would like to remind the distinguished delegates that this Organization was founded in 1919 on the principles of promoting social justice, freedom, and dignity for working men and women.

We are entering the twenty-first century. The question is whether slavery is compatible at all with human dignity. These are among the fundamental questions with which we are confronted in this great Organization and which have led to the complaint against the Government of Myanmar.

The Commission of Inquiry in its report gave very concrete indications that a state of slavery exists in Myanmar, that workers there are victims of exploitation, and that the practice must be abolished.

Under these circumstances, the ILO and the Workers' group have appealed to the Government of Myanmar to accept dialogue and technical cooperation in order to eradicate these evils. Unfortunately, for the last three years the authorities have not heeded those calls. The ILO Governing Body passed a resolution calling for specific measures, and the Government of Myanmar agreed to admit a technical cooperation mission which visited the country. During the course of the discussions in the Selection Committee, we in the Workers' group, led by Mr. Brett, felt that we should give an opportunity to the Government of Myanmar to take advantage of the technical cooperation, instead of adopting a resolution. This has been deferred. There is thus no victimization or any sort of sanction, or any intimidation of developing countries.

We all believe in the dignity of human beings and in the promotion of freedom, which are the basic rights of workers all over the world. The ILO has been declared the conscience of the world. That is why it was awarded a Nobel Prize on its 75th anniversary.

Now, I listened with great interest to the intervention of the distinguished Government spokesperson. We have also filed a complaint against the previous Government of Pakistan which violated certain basic workers' rights. The Governing Body passed a resolution on the matter, and we are very happy that, thanks to our own efforts and the intervention of the Director-General, the Government has resolved that particular issue. We welcome this.

Therefore, the developing countries need not worry if they are ready to abide by their obligations which they have undertaken under the Constitution and the ILO Conventions which they have ratified.

The Government of Myanmar is entitled to avail itself of the opportunity during the course of five months to eradicate slavery and forced labour. Such are the conclusions which have been made by this independent body and we therefore call upon all delegates to support this report as their commitment to freedom, to social justice, to the dignity of working men and women all over the world. Our delegation fully supports the adoption of this report.

Original Arabic: Mr. HAIDOUB (Government delegate, Sudan) — I would like to inform you of my country's position with regard to Myanmar and to remind you of our position as stated in the Governing Body and during discussions in the Selection Committee.

We encourage discussion and dialogue with the Government of Myanmar in order to find the best solution. Such solutions have yielded positive results in other situations, as the visit by the technical cooperation mission to Myanmar in May proves.

In addition, any sanctions which would be imposed by virtue of this resolution would not be helpful, but would adversely affect not only the Government but also the people of Myanmar.

This resolution first mentions sanctions, but then goes on to suggest that the question could be referred to another body, even one outside the ILO. We do not know exactly how the matter will be dealt with, but we have always said that the ILO has a mandate to study questions relating to violations in the world of work.

We have read the letter dated 27 May 2000 from the Minister of Labour of Myanmar addressed to the Director-General. We believe that it shows that the Myanmar Government is acting in good faith. It is for this reason that we encourage dialogue. We think it is very difficult to accept the draft resolution as it stands.

Mr. FUTRAKUL (Government delegate, Thailand) — The Thai Government is of the view that, as a matter of principle, cooperation should not be rewarded with threats or punishment. In this connection, the Government of the Union of Myanmar has fully cooperated with the ILO by inviting a technical mission to Myanmar, to engage in dialogue with the highest level of the Myanmar Government. Furthermore, the Government of the Union of Myanmar has declared its willingness to work closely with the ILO to implement the recommendations of the ILO technical mission, by producing a comprehensive framework to ensure that all relevant laws and regulations fully comply with the ILO's Forced Labour Convention, 1930 (No. 29).

Given such commitment by the Government of the Union of Myanmar to cooperate with the ILO to resolve this issue, the Thai Government believes that every effort should be made by all parties concerned to foster such cooperation. However, this resolution, as it stands, with its punitive measures, will be counter-productive to such cooperation. It will adversely affect the atmosphere, dialogue and cooperation between the ILO and the Government of the Union of Myanmar.

Who among us would give wholehearted and voluntary cooperation with the sword of Damocles hanging over their heads? The Thai Government is of the conviction that the ILO should try its utmost to foster the voluntary cooperation of all its member States. This positive course of action will enhance the stature and effectiveness of the ILO.

The Thai Government, therefore, expresses its sincere hope that this august Conference will encourage further cooperation between the ILO and the Government of the Union of Myanmar in order to fully implement, as soon as possible, the recommendations of the ILO technical mission. This should be carried out in an atmosphere that is conducive to such cooperation — an atmosphere that is free from any threats or punitive measures.

Original Spanish: The PRESIDENT — If there are no more speakers, can I assume that the fourth report of the Selection Committee, paragraphs 1 to 98, is approved?

(The report — paragraphs 1 to 98 — is adopted.)
I would now like to submit for your adoption the draft resolution which is contained in the appendix to the report. Before I open the discussion on the draft resolution, I would like to inform you that Indonesia, Malaysia, the Philippines, Singapore and Viet Nam have tabled various amendments which I believe have been distributed. There are two ways of our dealing with these amendments: either we can take them together in their entirety, and I would ask those who tabled the amendments if they would agree to proceeding in that fashion, or we can take the amendments one by one.

Mr. DATO' ZAINOL ABIDIN (Government delegate, Malaysia) — We are submitting this draft amendment for the consideration of this Conference.

Mr. BRETT (Workers' delegate, United Kingdom; Worker Vice-Chairperson of the Selection Committee) — The Minister that represents the Government of Malaysia said that he has submitted this amendment in the singular, and I think we understand why, because technically they have to be separate amendments. But of course these amendments take us on a journey to the previous text put forward by the ASEAN Governments, which was discussed in the Selection Committee and is reported, but is not, of course, the subject before us.

The Workers' group would think it would be a wise decision if the Chairperson were to suggest and the Malaysian Government to accept that we simply take the text of amendments set on this sheet as a single amendment. This means that if there has to be a vote, we vote once, and all those amendments that are carried are incorporated in the text of the resolution; if they are defeated, they are all defeated. It seems an expeditious way of dealing with this matter. We would thus complete this work by 6 p.m., in the time allotted to it.

Mr. LEPATAN (Government delegate, Philippines) — In fact it was the intention of our group to ask that this set of amendment be considered as a package and therefore we will ask for a vote on these amendments as a package.

Original Spanish: The PRESIDENT — We shall now proceed to take a vote on the amendments to the resolution tabled by Indonesia, Malaysia, Philippines, Singapore and Viet Nam. If the vote is "yes", then the amendments will be approved as a package. If the vote is "no" then the amendments will be rejected as a package.

(A vote is taken.)

The result of the vote on the amendments is as follows: 52 votes in favour, 242 against, with 27 abstentions. Since the quorum is 271 and the required majority is 150, the amendments have been rejected.

(The amendments are rejected.)

We shall now vote on the resolution as it was originally submitted to us by the Selection Committee. I have a request from the floor from Lord Brett.

Mr. BRETT (Workers' delegate, United Kingdom; Worker Vice-Chairperson of the Selection Committee) — Under article 19.6 of the Standing Orders, I call for a record vote.

Record vote on the resolution concerning the measures recommended by the Governing Body under Article 33 of the Constitution with respect to Myanmar

Original Spanish: The PRESIDENT — As Lord Brett has requested a record vote on the resolution, we shall proceed to a record vote.

(A record vote is taken.)

The result of the vote on the adoption of the resolution as presented by the Selection Committee is as follows: 257 votes in favour, 41 against, with 31 abstentions. Since the quorum is 271 and the required majority is 150, the resolution, as submitted by the Committee, is adopted.

(The resolution is adopted.)

I would like to congratulate the Officers of the Committee and also the secretariat on the excellent work they have done.

Mr. ANN (Government adviser, Singapore) — The Government delegation of Singapore would like to present an explanation of the vote as follows.

We know that Myanmar has taken the initiative to invite a technical cooperation mission to assist it in complying with Convention No. 29.

An ILO mission visited Myanmar in May 2000. The mission reported on Myanmar's willingness to seek further cooperation with the ILO.

We also understand that Myanmar has conveyed to the ILO's Director-General an assurance to consider administrative, executive and legislative measures to prevent instances of forced labour.

Since Myanmar has made a positive step regarding compliance with Convention No. 29, it should be encouraged and allowed the time and opportunity to pursue further cooperation with the ILO in this regard. To do otherwise would be counter-productive to the implementation of a comprehensive framework of measures in Myanmar to comply with Convention No. 29.

Moreover, the invocation of article 33 is a very serious and unprecedented measure. It should only be used when all avenues of cooperation and dialogue have been exhausted.

For the above reason, the Singapore Government delegation has reservations over the underlying approach in the resolution and therefore has decided to vote against the resolution.

Mr. THAN (Government delegate, Myanmar) — Today is indeed a sad day for the ILO and a sadder day for the developing countries that are member States of the ILO. Today Myanmar is singled out for censure and punitive action. Tomorrow it may be
another developing country. As all of us are aware, judgements of observance or non-observance of labour standards are more often than not subjective, arbitrary and in some instances even politically motivated.

In the case of Myanmar the problem arose from an arbitrary judgement based on misinformation. This misinformation emanates from elements opposed to the Myanmar Government — insurgent groups and self-proclaimed workers' organizations which are more politically motivated than dedicated to promoting the interests of workers. It is obvious that a fair and balanced perception cannot be obtained if the judgement is to be based on such misinformation.

Notwithstanding the more prudent approach advocated by many of its member States, the International Labour Conference has chosen a path of confrontation and coercion by invoking article 33.

The ASEAN member States, together with like-minded countries, have expressed reservations against the action taken by the International Labour Conference.

Myanmar appreciates the principal stand taken by those countries that article 33 of the ILO Constitution should never be invoked and that sanctions should never be imposed on Myanmar. It is most regrettable that a drastic decision, contrary to what many Members believe in and uphold, was taken by the International Labour Conference. It is obvious that this unwarranted and unjustified action by the International Labour Conference is aimed at exerting pressure on Myanmar. The positive steps taken by the Myanmar Government have been completely ignored.

The decision just taken by the Conference will no doubt place the credibility, integrity and the reputation of the ILO in question. It penalizes a member State which has been voluntarily cooperating with the ILO and which has already been subjected to other punitive measures.

This action by the Conference is most unfair, most unreasonable and most unjust. This resolution is totally unacceptable to my delegation. For these reasons, my delegation totally and categorically rejects this resolution and dissociates itself from it and any activities or effects connected with it.

Nevertheless, I should like to express our hope that the avenue of cooperation has not been completely closed. We have indicated our willingness to cooperate in good faith on our part on the basis of the letter of the Minister of Labour, dated 27 May 2000, provided that the other side reciprocates this spirit and refrains from taking coercive measures.

Mr. HARAGUCHI (Government delegate, Japan) — Thank you for recognizing me all the way up here on the second floor. The ILO has a history of valiant efforts and outstanding achievements towards the improvement of conditions and standards of work throughout the world, and many of us present here have directly or indirectly benefited from those efforts. The issue before us now is a situation of forced labour in Myanmar. A resolution has been adopted threatening to gradually drive that country into isolation, while aiming at the elimination of forced labour in that country. The Government of Japan voted against this resolution. We did so not because we think the problem of forced labour does not exist in Myanmar. On the contrary, it is exactly because we recognize the graveness of the problem and because we concluded that the best way to redress the situation would be to strongly encourage the present administration of Myanmar to ensure that there should be no forced labour in that country through a process of dialogue and assistance on the spot, rather than through drastic punitive measures. After a process of five years, Myanmar has finally begun to show its willingness to cooperate with the ILO. This was brought about by the efforts of the Members, as well as the Office, and we should well appreciate and take into account the significance of these changes.

The Government of Japan frankly was not happy with the resolution, but now that it has been adopted we wish to read optimism in its language.

Let us hope, and call upon the Government of Myanmar to maintain its dialogue and working relationships with the ILO. In this context, I would particularly like to draw the attention of our colleagues from Myanmar to the fact that, in recognition of its positive response to the mission sent by the ILO, the deadline is set, not for today, but for the end of November, that is to say, a new window of opportunity has been opened for Myanmar. This window of opportunity has been opened because of the perception, not only on the part of Government delegates, but also of the Workers and the Employers, that however subtle the change in Myanmar's stance may be, it is worth taking it seriously. Had the Government of Myanmar not accepted the technical mission, this extension would not have been offered: Myanmar has earned it.

I would strongly urge the Office to assist the Government of Myanmar, by the means mandated to it, including the dispatch of more technical cooperation missions, in order to support and facilitate the process of transition in Myanmar towards the elimination of forced labour. I sincerely advise the Government of Myanmar not to take such offence from this resolution as to cast away the positive elements contained in it, but rather to make the most of them and take the necessary steps before November, along the lines already clearly expressed in the letter from the Labour Minister, thereby proving its seriousness and sincerity in its commitment. In so doing, by honouring its promise, Myanmar will be able to gain renewed standing and recognition in the ILO and the international community as a whole. In this regard, the Japanese Government will stand ready to facilitate further dialogue between Myanmar and the ILO, by providing good offices and any assistance that may be called for, for the sake of resolving the issue.

Mr. BRETT (Workers' delegate, United Kingdom; Worker Vice-Chairperson of the Selection Committee) — I applaud the wise words of the Japanese Ambassador he delivers a wise and timely message. I endorse everything he has said except his optimism, because I did not hear anything in the response from the Government of Myanmar to justify it.

We came to the rostrum today seeking a consensus. We asked for a recognition that more time was now available. Instead, what we got — as we had before in the Selection Committee on Friday — was a prepared text. It is actually written in "Word Perfect", which is a very speedy way of communicating, but even the Ambassador of Myanmar could hardly have written it after our decision had been taken. What we have yet again is a prepared text which rejects the findings of the Commission of Inquiry. We cannot let such a thing pass without comment. The Minister of Labour, in his
He talked of bogus workers' organizations and politically oriented organizations. We are afraid that the Government of Myanmar is an expert on what bogus workers' organizations are. We were prepared to overlook that insult, but not to be insulted again.

I fear that the wise words of the Japanese Ambassador will be ignored by the Government of Myanmar at its peril. The Governing Body will not hesitate in November to enact all parts of this resolution, but it will also refrain from enacting any part of it, if that is appropriate. This will depend entirely on the Government of Myanmar.

Original German: Mr. THÜSING (Employers' delegate, Germany; Chairperson of the Employers' group) — I would also like to thank the Japanese Ambassador for his contribution. Now that we have arrived at the end of this debate, the employers do not agree completely with the unions, they do not agree with Lord Brett's position. I would say that the most important thing here is trust. Trust has been abused, but I am sure that with common sense on the part of everybody we can move ahead; I am sure that, with the support of other countries in the region, the Government of Myanmar will enter into the necessary cooperation with the ILO. If I have made a mistake, I am sorry. I am sure we will move on.

REPORT OF THE COMMITTEE ON HUMAN RESOURCES TRAINING AND DEVELOPMENT: SUBMISSION, DISCUSSION AND ADOPTION

Original Spanish: The PRESIDENT — The next item is the report of the Committee on the Development of Human Resources, which you will find in Provisional Record No. 21. I call on Mr. Chetwin, Reporter of the Committee, to submit the report.

Mr. CHETWIN (Government delegate, New Zealand; Reporter of the Committee on Human Resources Training and Development) — As Reporter of the Committee on Human Resources Training and Development, I have the honour to present the Committee's report to the 88th Session of the International Labour Conference. The report was adopted by the Committee yesterday, Tuesday 13 June, and has been recorded as Provisional Record No. 21.

The Committee's discussions centred around a series of issues identified in Report V entitled Training for employment: Social inclusion, productivity and youth employment. The Committee's discussions were greatly enriched by the broad range of experiences, knowledge and perspectives contributed by Worker, Employer and Government members of the Committee.

The Committee reached a very broad measure of agreement on the issues arising in human resources training and development, and on the approaches available to deal with them. The conclusions as a whole were agreed by consensus, and only two points within them required votes.

The Committee identified two sets of drivers of change in the world of work: those arising from globalization and technology, and others being generated from within enterprises. In this environment, human resources development and training were seen as forming part of both the economic and social responses to those drivers. The economic responses in the form of promoting competitiveness, productivity and employability, and in the social area serving the goals of equity, social inclusion and non-discrimination. To succeed in meeting these challenges, education must go hand in hand with comprehensive economic, labour market and social policies. The Committee's conclusions explore the full spectrum of basic education, initial training and lifelong learning. Education and training are seen as a right for all, with corresponding responsibility to make use of the opportunities. But there are a number of factors operating in the current environment which can seriously limit the opportunities available to many people. In particular, there is a pressing need to implement national and international strategies to eliminate illiteracy. To succeed in combating social exclusion, education and training strategies must be carefully targeted at women and people with special needs. In the view of the Committee, training can also help transform the informal sector from largely survival activities into mainstream economic life.

The Committee adopted a broad definition of employability in terms of a person's ability to secure and retain a job, to progress at work and to cope with change throughout their working life. The broadness of this definition has had a strong bearing on the Committee's view of future directions for human resources development and training. The cost of education and training should, in the view of the Committee, be seen as an investment. There are a number of influences at work which may lead to the level of that investment being less than optimal, especially in the least developed countries. Investing in education and training can be a shared responsibility of the public and private sectors. The roles of governments, enterprises and individuals are related to the mix of societal, business, competitiveness and individual objectives being pursued. Partnerships between government and enterprises, between government and the social partners, or between the social partners themselves can also assist in ensuring adequate investment. A range of mechanisms to further investment and training is available. The Committee urges the ILO to develop a database on current levels of investment in education and training, and to suggest a series of benchmarks, possibly differentiated by region, size of enterprise and industry or sector.

The Committee's conclusions canvas the challenges and opportunities presented by the rapid rate of advance in information and communication technologies. The dangers of a widening digital divide are identified at individual, community and national levels. Governments and enterprises both have roles in increasing investment and promoting the development of information and communication technology skills and infrastructure. However, information and communication technology, while demanding new skills, also offer new methods for training and the overcoming, provided that the barriers problems can be overcome. In the case of the least developed countries, a major challenge faces the ILO, the international development and financial agencies and regional organizations — not only to facilitate access to information and communication technology, but also to ensure
that development and structural adjustment programmes generally place high priority on human resources development and training. The Committee's conclusions emphasize that national qualifications frameworks can assist both enterprises and workers. The desirable characteristics of such frameworks are identified, including the importance of recognizing prior and informal learning, and of tripartite involvement. It is suggested that the ILO develop a database on best practices in developing national qualifications frameworks, conduct a study on the comparability of such frameworks and research the recognition of prior learning.

The Committee urges a strengthened social dialogue and effective partnerships in training and development, including the development of policies and strategies at the national level, which are integrated with economic and employment policies. The ILO is urged to lead in international efforts to build capacities for social dialogue and partnership in this area. Collective bargaining is also seen as being one means of creating the conditions for effective organization and implementation of training at sector and enterprise levels.

Finally, the Committee proposes that the Human Resources Development Recommendation, 1975 (No. 150), should be revised to reflect the new dynamic approach to training. Terms of reference for that review are suggested. It is also proposed that the recommendation should be complemented by a practical guide and database that can be kept up to date by the International Labour Office.

The report you see in front of you is very much a practical guide and database that can be kept up to date by the International Labour Office.

The report you see in front of you is very much a team effort. I would like to acknowledge the leadership and wisdom shown by the Chairperson, Dr. Mishra, in guiding the Committee through complex and long discussions. The Vice-Chairpersons — Mr. Patel for the Workers and Mr. Renique for the Employers — showed commitment to an approach based on joint-problem identification and solving and that, I believe, was supported by the Government members. As I mentioned earlier, the Committee's general discussion ranged far and wide and deep. Despite that, I believe the report captures well in summary form the richness and diversity and balance of that debate, as fact which is a tribute to the secretariat. I would like to acknowledge the contribution of the secretariat to the Committee's work overall. The Committee worked some very long days, to midnight on several occasions. When our work was finished, the secretariat's began. They responded to that challenge with unfailing commitment, energy and competence. I commend the report to you.

Mr. RENIQUE (Employers' adviser, Netherlands; Employer Vice-Chairperson of the Committee on Human Resources Training and Development) — In two weeks we came to a firm consensus on the major issues and goals for education and training. People not involved in these issues might have thought that this would have been very easy because these are not controversial issues. They are in everyone's interest. Our Committee meetings told another tale. Of course, education is good for everybody and so is lifelong learning, but that would be a nice concluding statement without many implications and without much guidance for good practice.

In the Committee we dug much deeper and had sharp debates that clarified our views and concepts.

We graced all grounds, starting with the broad context of the economy, discussing the needs of enterprises and workers, and highlighting the responsibilities of all partners and the way in which they can build partnerships together.

As I see it, the Committee's report is really a state-of-the-art report that can inspire governments, employers and workers and their organizations. Let me underline a number of aspects that we consider extremely useful.

First, we fully agree with the idea that employability strikes more birds with one stone. It contributes to economic development, it contributes to full employment, and it contributes to social inclusion. This is clearly stated in the report and we endorse this fully.

We struggled a lot with the negative bias in Report V on globalization. First of all, we have to keep in mind that globalization is just one of the forces that influence our economy and our labour market. We are very pleased that in the report in front of you a much broader scope is taken.

Moreover, it is fully recognized that education and training are necessary and required to take full advantage of new opportunities for enterprises. Education and training are the fuel for competitiveness of enterprises and for economic growth. At the same time it is recognized that education and training can also deliver an adequate social response to developments in the economy and in society, including globalization.

Certainly, we underline that education and training policy on its own cannot ensure sustainable economic and social development.

Therefore the report encourages governments to coordinate their policies, including labour market, economic and fiscal policies, and we endorse this.

The Employers' group regrets that it did not spend more time on the issue of youth unemployment. This is an issue that should be particularly dealt with by more departments in mutual cooperation. Youth unemployment takes different forms in developing and in industrial countries, but all face the issue of how to guarantee a smooth transition for youth from education to work.

Safety net arrangements are very important. If young men or women, during their teens or twenties, does not find the right track to the labour market we may lose them for ever. This should certainly be an issue when the ILO accepts our advice to establish further work on the basis of this report.

Rather a novelty in this report is that social partners claim involvement in policies for basic education.

In many countries we are already intensively involved as social partners in vocational education policy. But why do we want involvement in basic education? The answer is simple. Like war that is too important to leave to the generals, education seems to us to be too important to leave to educationalists or politicians.

Education is the foundation of lifelong learning. The better the start is, the more use people make of continuing training and the better results they get out of it.

There should be no misunderstanding. Employers will never assume, of course, the same responsibility for basic education as they do for vocational education. That involvement will be focused on the main issues of education policy. Nevertheless, this can lead to a very fruitful dialogue. The Employers' group believes that it can share a lot of experience about new working methods, new forms of organizations, the use
of ICT and that discussions of these experiences at a national level can look at how education could respond to these developments in business and society. We are very glad that this point has been reflected in our final result.

We also think that we can contribute to the issue of quality assessment in education. Our general impression is that politicians are rather more concerned about showing input data, but are less interested in controlling the outcome of huge collective investment in the different countries.

Recently I was involved in the report “In search of quality” released in February this year by seven employers’ organizations in Europe dealing with the quality of basic education. I recommend this report; it signals that employers really do like to be involved and consulted on the broad lines of policy for basic education.

With respect to further training, the conclusions of the report are so rich that even mentioning all the concepts and proposed arrangement would take too long. Nevertheless, I would like to mention some highlights:

We agreed upon a broad concept of employability, including generic skills such as communication, ICT and language skills, and multiple skills coming from the different professional areas. It also includes preparation for entrepreneurialism.

We are particularly pleased that the Workers also agree that education and training should deliver not only knowledge and skills, but also broad competencies. It implies the ability to perform and to behave according to high professional standards. And besides knowledge and skills it also implies the attitudes necessary for professional behaviour.

We fully accept the problem raised by the Workers that attitudes are more difficult to assess. We also agree that this assessment should not mean a moral judgement on workers. But we witness in all sectors an increasing demand for personal skills and competencies, including attitudes. We had too little time, although we had many sessions in which to discuss this issue in depth. However, we look forward to further dialogue on this issue.

We underline that employability is an important condition for realizing economic growth. But, at the same time, it would make little sense for people to invest much in their own employability if at the national level there was no commitment and no investment in economic and labour market policies to enhance economic growth and to increase job opportunities. Needless to say, enterprises always try to guarantee their future and to expand which, at the macro level, results in more employment.

So, the concept of employability is a challenge for workers, for enterprises and for government and certainly does not rest only on the shoulders of the workers.

This fits very well with the tripartite responsibility for investment in education and training, as expressed in the Cologne Charter of the G8, calling upon the commitment of all the three partners to realize lifelong learning: by governments investing to enhance education and training at all levels, by the private sector training existing and future employees, and by individuals developing their own abilities and careers.

In respect of this I would like to mention that the clearly expressed will of governments and employers to guarantee access to training implies, on the other hand, the responsibility of the individual to use the opportunities offered and to co-invest, at least in time, in his or her development.

I would like to refer to a recent brochure of the Swedish Employers’ Confederation, which says, and I quote: “it is ultimately the individual himself who has the responsibility for his own competence development”. Schools and enterprises can provide people with the opportunities to develop their competence, but they can never take over the responsibility of the individual.

Besides a common understanding of the benefit for enterprises and workers of economic growth, we also recognize that the developing countries especially have difficulties catching up with the mainstream. We recognize the risk of a divide, and therefore in the report we make a dual appeal.

The ILO, in cooperation with other international organizations, should stipulate that education and training becomes a high priority in support programmes for developing countries. At the same time, however, we stress that the developing countries themselves should also make a decisive effort in placing education and training at the top of their own agenda.

We elaborate quite deeply the issue of partnership. I will not bother you with our debate on definitions but simply stress that tripartite and bipartite dialogue and arrangements are very important instruments to realize lifelong learning.

The three pillars of the Cologne Charter I just quoted need to be archived. There is much to win in co-investment, in combining efforts. There is much to lose in playing blackjack and pointing at one of the partners to take all the responsibility. We fully endorse that the partners, either bipartite or tripartite, should decide which of the many instruments for funding of lifelong learning should be used.

If we are to take partnership seriously, the ILO should not recommend or prescribe a particular approach. On the other hand, it is fairly useful, as is recommended in our report, that the ILO should develop a database on best practices on this issue, and make that available to their Members.

We also endorse that issues like a national qualification framework and the recognition of prior learning should be on the top of the list of national tripartite dialogue and also in this field the ILO could collect evidence of best practices.

This brings me to a more general remark. The ILO cannot and should not do all the work that is recommended in this report on its own. The Employers’ group feels strongly that there is a lot to gain by cooperation with associates such as the OECD and UNESCO, and also with private institutes such as the American Society for Training and Development (ASTD), which sets interesting benchmarks, for example, and does research on continuing training.

If statistics from the ASTD had been used in the report, we are sure that the so-called training paradox which emerged in Report V of the Office would not have been introduced at all.

Finally, to give you some idea of the combination of earnestness and humour, we always looked for in our Committee, I want now to reveal the secret of the reason why the word “paradigm” will not be found in our conclusions, although we did use it several times in our opening statement to indicate the redesign that is
needed for education, given the new working methods in enterprises and given the use of ICT.

I saw on the television last week a concert of Pavarotti, with many guests from other countries. One was an American, and he sang the song "Hey brother, can you spare a dime?" We agree fully with the Workers' group that this expression sounds too much like under-investment in training, which is, indeed, penny wise and pound foolish, and for that reason we did not ask for an amendment of the conclusions on this point.

To conclude, we very much welcome the conclusions of the Committee, and we support the proposal to consider a revision of Recommendation No. 150 in future ILO work.

I would like cordially to thank Mr. Mishra for his leadership, Mr. Patel for the constructive debate, the Governments for their active involvement, and especially the ILO office and the IOE for their contribution to facilitate our work.

Mr. PATEL (Workers' delegate, South Africa; Worker Vice-Chairperson of the Committee on Human Resources Training and Development) —

There are two linked realities that form the backdrop to the work of the Committee on Human Resources Training and Development.

On the one hand, we have promise fulfilled: a major revolution in the development and transmission of knowledge and information, linking up people across national frontiers and time zones, sharing data, experience and viewpoints at rapid speeds, connecting 80 million computers with an estimated 300 million Internet users, a process of knowledge-sharing unparalleled in human history.

On the other hand, we have potential unfulfilled: 885 million adults globally who are illiterate, a number equal to the entire population, that is every man woman and child of the European Union, plus double the entire population of the United States. These are human beings who are unable to use the intellectual tools even of the old economy.

The Committee's task was to come up with a set of conclusions which identifies the role of human resources development and training for both these realities, with a view to harnessing the potential of education and training to transform our world, and our shared social and human reality, so that every person can achieve their full human potential and every country may acquire the capacity to address the challenges facing its citizens.

The conclusions of the Committee are an excellent outcome, a quality product of detailed discussions conducted in an environment of information sharing, negotiation and collegiality. It is not a set of platitudes strung together in order simply to produce a text for the Conference. It is, rather, in our view, both visionary and full of insight.

The conclusions contain important conceptual advances which progress current thinking and policy on human resources development. They provide an excellent basis on which countries, employers and trade unions can build, to harness the opportunities that education and training can provide for workers, enterprises, women and men, the socially excluded and those driving the information revolution.

What are some of the more significant advances?

The conclusions endorse the concept that skills and experience gained in the university of life, in the tough school of experience in the workplace, home, and community, should be recognized. This requires us to clearly define the skills involved and agree on ways to measure and assess them.

The conclusions propose the setting up of a national qualifications framework that integrates the different ways in which we gain skills, from formal and non-formal education, to work experience and on-the-job learning. These skills would be defined, assessed and certified. It would be the basis for recognition of skills at work through the national skills competency system, and would, more crucially, be the basis for recognition of skills acquired in the workplace in the criteria for admission to public and private educational institutions.

Hidden skills should be explicitly recognized, say the conclusions of the Committee. For example, the shift to the services sector, which is dominated by women workers, often relies on greater communication and problem-solving skills, which are not always explicitly recognized in reward systems.

New forms of work organization, such as flatter managerial structures, are, to paraphrase the conclusions, predicated on shifting responsibility from management to the workforce. These must be recognized and rewarded.

The conclusions constitute a breakthrough, in that all these skills, hidden skills and demonstrable skills, skills learned formally and informally, would be recognized.

The conclusions define the role for collective bargaining as an instrument for addressing "recognition and reward schemes, including remuneration structure".

So, in some ways, this is about recognizing the value of a seamless system of learning and work which will truly transform our economies and societies. It allows the use of lifelong learning as the means to continuously improve the way we work and the way we live.

Happily, for all of us, the conclusions strongly urge the tripartite development of the standard system.

The conclusions consider the tremendous potential of the new information and communication technologies to develop economies and assist in the spreading of knowledge. They recognize the danger of a new "digital divide" that can widen existing inequalities in education and training between urban and rural areas, between rich and poor, between those who lack literacy and numeracy skills and those who have them, and between developed and developing countries.

There are a number of concrete proposals put forward to develop an inclusive physical and knowledge infrastructure to promote access for all to the opportunities provided by information and communication technologies.

One particularly innovative proposal is effectively to encourage enterprises to provide computers and Internet access to workers at their homes in order to promote the diffusion of information and communication technology skills and access in society.

The use of ICT in learning and teaching can improve the quality of training and access to training. We warmly endorse this.

The conclusions contain substantial formulation on the role of education and training in the informal sector, a formulation. I believe, which should inform all ILO work in regard to the informal sector. It
recognizes that education should not be designed to keep people in the informal sector, so that the informal sector expands, but, in conjunction with other measures, it should seek to transform these largely survival activities into decent work, fully integrated in mainstream economic life. This is significant.

The right to education and training and to free, universal, quality, public, primary and secondary education for all children is explicitly endorsed. The role of education and training in combating discrimination and in promoting social equity is recognized. The conclusions recognize that education and training are a necessary, but I stress, not a sufficient condition to keep people in the informal sector, so that the informal sector expands, but, in conjunction with other policies that expand aggregate demand in the economy. Supply side policies focusing on science and technology, education and training and industrial and enterprise policies are also needed to improve the output of the economy.

Significantly, the conclusions recognize that appropriate fiscal policies, social security and collective bargaining are among the means to distribute economic gains on a fair and equitable basis, and constitute basic incentives to invest in training.

The conclusions note that these integrated policies require consideration of a new financial and social architecture for the global economy, a subject for ILO research.

The Workers' group is particularly pleased with the substantial text on the challenges facing developing countries. They call on the international community to take a wide range of measures covering matters such as literacy programmes, infrastructure development, resource mobilization, debt relief and debt cancellation, fair technology transfer agreements and assessment of the impact of structural adjustment policies on investment in education and training.

They also place the responsibility on governments in the developing countries to ensure that we use education and training to make the leap from underdevelopment to the information society.

It is with this backdrop that the conclusions endorse a broad definition of employability. It is a sensible definition that recognizes the combination of education and broader economic and social policies geared towards decent work that is required to achieve the full value of employability.

The Committee made great progress in agreeing upon the mix of skills, knowledge and competencies that are required. Competencies, one element of employability, are objective and measurable and avoid insidious discrimination caused by resort to subjective criteria in evaluating the capacities of workers.

The conclusions make the case for the cost of training and education to be seen as investment. They explore a number of funding mechanisms, including the setting up of training funds and a levy system on enterprises. They also support systems of tripartite governance, where these are set up.

The conclusions recognize that measures such as the provision of childcare facilities are needed to facilitate access to training. They support the development of a series of benchmarks for funding on vocational and continuous training.

The conclusions make an insightful suggestion that public grants to trade unions and employers' organizations can help build the capacity of business and labour to contribute to a strong tripartite shaping of education and training systems.

Tripartism infuses the entire conclusions. The conclusions support the view that education and training in such areas as industrial relations, trade union education, business administration, the social contribution by the work and the organization of the social partners should be part of initial and vocational training.

The Workers' group believes that the conclusions and the specific focus in the final paragraph constitute an excellent basis for a review of the international instruments in this area, aimed at retaining concepts that are still valid and incorporating new thinking and new consensus in the instruments themselves.

In conclusion, may we express our appreciation to our Chairperson, Dr. Mishra, who handled his job with great dignity and skill; to the secretariat which worked long hours to produce texts for the Committee; and to the Employer Vice-Chairperson, Mr. Renique, who showed insight and a wonderful sense of humour in fulfilling the mandate of his group and in his role in helping to forge a sensible set of conclusions. The Workers' group warmly endorses the conclusions.

Mr. MISHRA (Government delegate, India; Chairperson of the Committee on Human Resources Training and Development) — The distinguished Government delegate of New Zealand, Reporter of the Committee and Chairperson of the Drafting Group, Mr. Chetwin, has presented a very clear, lucid and comprehensive account of the discussion which took place in the Committee and the outcome thereof, which is of considerable interest and relevance to all member countries represented in this august body.

He has been ably supplemented by the distinguished Vice-Chairpersons of the Committee, representing the Employers and the Workers, who had steered the course of deliberations in the Committee with considerable professional acumen and insight. They also displayed in the process a remarkable depth of understanding and of commitment.

The task of the Chairperson is to set the pace and tone of discussion in the beginning, steer the course of the debate and sum up the essence of conclusions and recommendations in a holistic perspective. I will make a humble attempt to do so.

The Committee on the whole has rightly perceived the emergence of globalized market forces, the opportunities and challenges unleashed by these forces, and also the sweeping changes which are taking place in technology and the workplace on account of reorganization.

It has perceived how the revolution in information technology has engulfed and metamorphosed the contours of human life in its totality. It has perceived with equal clarity the seminal importance of basic knowledge, information and skills, new paradigms of education, continuing education and skill training. They constitute a seamless process, a continuum, which begins with birth and ends with death.
It has perceived the emerging mismatch in the labour market between the skills which the market needs and the skills which we are able to provide, many of which quickly become obsolescent.

It has recognized how a supply-driven training mechanism and too much obsession with supply-driven training mechanisms, without a natural and spontaneous demand from the recipients of such training, could be counter-productive.

It has perceived the integral and functional relationship between education and skill training, and how one is incomplete without the other. With the latter as the superstructure, the former has to be a substructure, and an effective one. It has perceived how knowledge, continuing education and skill training are absolutely necessary but not sufficient tools for productivity, efficiency and competitiveness. It has perceived the importance of a credible and efficient system of training, validation and certification of skilled training at various levels, and the importance of laying down credible and practical benchmarks in this area. It has rightly perceived the importance of collaboration and cooperation between governments and the two social partners in all areas of education, continuing education and skills training, the importance of tripartism, partnership and social dialogue, and the need for international cooperation and action.

In addition, the distinguished Vice-Chairpersons mention that over 40 countries participated in the discussion spread over 15 sittings of the Committee. They contributed significantly to the otherwise rich content and quality of the debate. It has been a tremendous opportunity of learning by sharing.

The discussion went on to demonstrate that despite pervasive diversities of training from country to country, from region to region, and even within the same region, there is a tremendous community centring around recognition of the increasing importance of this subject.

We are living in an age when scientific and technological advancement has been greatly facilitated by the revolution in the area of information and communications technology. The pace and momentum of that revolution is taking place with such rapidity that what is today up to date becomes stale tomorrow. This is an age when the only constant is change. Today's computer chips can perform operations in a millionth of a second which will advance to one trillionth of a second in the foreseeable future. We have multiple problems to grapple with in the course of deliberations of the Committee. Permanent employment is declining and non-standard or atypical forms of employment and work are increasing. With an increasing shrinkage of jobs in the formal sector, there is an exodus of unskilled and illiterate persons entering the informal sector, which is failing day by day. This phenomenon is associated with increasing job instability and job insecurity, which is further accentuated by migration, both domestic and overseas.

The problem is worse with part-time employees. The skills and competencies of part-time employees who have limited exposure to insufficient continuous training deteriorate faster. All such employees, and women in particular, tend to lose their skills, become less employable and therefore become victims of social exclusion. Equally baffling is the problem of school leavers and laid-off or displaced employees. They end up in the informal sector, but their skills and work attitudes are not really adapted to informal sector work. They remain, therefore, unemployed or seriously underemployed. The existence of socially marginalized youth is a serious threat to decent work and the stability of the social and economic order, and is also an indictment to our entire socio-economic structure. We therefore need multiple recipes to deal with these multiple problems.

To start with, human resources training should focus on developing those multiple skills and competencies which will help countries, enterprises and individuals to seize new opportunities. Secondly, technologies are not static, but continuously evolving. As markets, technology and work organizations change, knowledge and skills quickly become obsolete. They have to be renewed or replaced on a continuous basis. Lifelong learning and continuing education, therefore, become absolute imperatives of an age characterized by a lot of modernization and innovation. Thirdly, developing countries need to raise the levels of the basic education and skills of their population so that the latter can observe and assimilate higher technical skills. Fourthly, there is the need to introduce systems and lay down norms and criteria for testing and certification at the federal, provincial and local authority levels. There is also the need to ensure that the entire system is functional, credible, transparent, non-intrusive, non-threatening and non-bureaucratic. Fifthly, there is the need to recognize that achieving the above gains is possible only with investment to build up the necessary physical infrastructure. While this may be the primary responsibility of the govern-
ment to start with, governments need to be supplemented, complemented and strengthened by industry, non-governmental organizations (NGOs) and other stakeholders. This point has been adequately recognized in the conclusions and recommendations of the Committee.

To sum up, it is neither the state nor the market forces who can take complete responsibility for managing skills training systems relevant to today's market needs. Complete state control makes a training system too stereotyped. Such a system is also ill equipped to adjust itself to the changing requirements of a changing labour market. Complete privatization of training leads to limited coverage, poor content and poor portability of skills. We need a synthesis of both to bring about the much needed convergence which can impart the much needed resilience and strength, and stand the test of time.

The report of the Committee which is the finest product of consensus, has come like a breath of fresh air. It is indeed a state of the art report, as stated by the distinguished Vice-Chairperson of the Committee from the Employers' group. It has recognized the need for continuous evolution and adaptation of that resource to change. It acknowledges how such a resource can be defined, sharpened and made fully adaptable to individual learning, attainment of a high level of adaptive, cognitive and psycho-motor skills, individual and group creativity, teamwork and innovation and their natural and spontaneous recognition by the State, by the employers and by the trade unions. It acknowledges that the process leading to evolution and growth of a complete human being, through education and skills training, is not something which is utopian, but rather possible, perceivable and achievable. Such a stage cannot, however, be achieved overnight. It requires an enormous amount of planned, coordinated and concerted efforts.

The conclusions and recommendations of the Committee have a permanent import and can easily stand the test of time. I must acknowledge a deep sense of appreciation and gratitude for the totality of contributions from all concerned quarters — the Employers' group, the Workers' group, and in particular the two distinguished Vice-Chairpersons of both the groups, the Government group and the officers and staff of the Office who made this all become possible.

We look forward to the ILO and its support for translating these conclusions into concrete action for the total well-being of mankind, and in particular for the empowerment of the over 800 million illiterate persons in Asia, Africa and Latin America who are still struggling to find a place in history for themselves by acquiring access to the world of information, communication, modernization and innovation.

I would like to conclude by quoting from the preamble to the Constitution of UNESCO: "Since wars begin in the minds of men ...", the war against illiteracy and the resultant lack of access to knowledge information and skills must arouse and awaken that international critical consciousness in the minds of all right thinking men and women of the twentieth century and those who are present in this august body so that each one can contribute, each one can participate and each one can eventually own this global campaign.

(Mr. Moorhead takes the Chair.)

THE PRESIDENT (Mr. MOORHEAD) — We will now proceed to the general discussion concerning the Report of the Committee on Human Resources, Training and Development.

Mr. LAL (Minister of Labour, the State of Himachal Pradesh, India) — Really I am most thankful to the Chairperson for giving me an opportunity to speak in this Conference. The ILO report on training for employment, social inclusion, productivity and youth employment particularly relates to the future global labour market and employment scenario in the next few decades.

In the context of human resources development and training, this report examines the unavoidable shift towards the knowledge/skills-based economy, driven by the impressive growth of information and communication technologies.

The report underscores the fact that those societies and countries, which have over the years established a stronger human capital base, with the emphasis on basic quality education and broad-based vocational training, are in a better position to have opportunities in the emerging areas.

It is in this context, that the report stresses the need for a high quality of basic education, continuous learning, teamwork and the need for building the capacity to assimilate new knowledge.

We congratulate the ILO for producing this excellent paper which formed the basis for the ensuing informed and lively discussion. The conclusions that have been reached reflect the concerns of the international community. The report pertinent points out the major responsibility of governments in the areas of basic education and development of essential skills and competencies.

The task ahead is arduous, no doubt, and we have to strive hard for social and economic inclusion of large sections of the workforce, especially its younger and older members. In our respective countries, this will need continuous dialogue and synergy of governments with workers' and employers' representatives.

We are particularly happy to note the strong promotional role of the ILO, which has facilitated the establishment of an effective database on comparable qualifications in different countries and provided a platform for sharing various countries' experiences in human resources development. The ILO will promote better international understanding and enhance its relevance.

I am especially confident that the ILO will also take initiatives to ensure that less developed countries are able to overcome critical bottlenecks in respect of investment and capacity building in human resources development.

In India, we have had a good track record of running the national and vocational training system on a tripartite basis, but both central and state governments have joint responsibility. We have a separate national tripartite organization for institution-based craft trading and industry-based apprenticeship training.

The training of those who train women's vocational training, high-tech institution training, as well as the development of instructional media packages, are a part of this national system.

The activities of the state government are encouraging us to have state-level councils to promote region-specific demands of skills. Our Government has
taken note of the changing global trends and has prepared a comprehensive vocational training policy which is under consideration by the national Government.

We have prepared this draft policy on the basis of extensive consultations and it takes into account the weaknesses, as well as the strengths of the existing system. The demand for high quality goods and services, the shift towards the services sector, the impact of closer integration with the global economy, the problems of funding and advent of the information age, have all been taken into account.

The interaction that we have had here when discussing the present agenda item, has given us valuable input for devising action plans which will follow up the policy.

Mr. LAMBERT (Employer delegate, United Kingdom) — I just want to comment briefly because the hour is late and I know that if it drags on, people lose attention. So I would like to just make a few, I hope pertinent, comments about what I believe is one of the fundamentals of what we have been discussing, in what I believe has been a most helpful, constructive and enjoyable series of discussions. I would like to compliment Mr. Renique and Mr. Patel for their excellent work. I really did enjoy listening to them talk to each other. It has been quite fascinating.

The thing I wanted to touch on just briefly was the whole question of youth unemployment. One of the biggest issues, I believe, with regard to the future of our industrialized world is to ensure that young people in the transition from education to work have the real opportunity to learn, not just basic skills learned at school. The fundamental question is — how do you help young people in their transition from school to work?

I have spent my life working in the world's motor industry. When I was a young man and I joined the Ford motor company, there were about 60 companies making cars, trucks and tractors, around the world. Today, there are not much more than eight or ten. And that is reflected throughout the manufacturing sector.

If you look at the manufacturing sector that exists today, it is significantly diminished and the companies have gotten smaller, with takeovers and everything else. Of course what that means is that in the past, when young people could aspire to working in their local company, whether it was in America or in London, in South Africa or Australia, wherever, they would have the chance to go and work in their local factory, to have an apprenticeship, to have the opportunity to learn, not only through a good basic education, but to move into an education through work which helped them to progress in their working lives.

Now, the big concern for us today is how to ensure that young people have the same opportunities at a time when manufacturing is in decline. Of course when I talk about manufacturing, you can say the same about most factories around the world, most offices and laboratories, and the same factors apply. This trend in the world's manufacturing is going to be one of the major factors which affect young people's ability to learn in the world of work.

And so, I believe that it is incumbent upon all of us — countries, governments, employers and workers — to take on the responsibility of trying to make sure that our young people have genuine opportunities.

I believe that this is so fundamental, not only in terms of the world of work, but in terms of social order. You know as well as I do, and we see it on our streets, that unemployed people turn their minds to other things. I do not mean all of them, but some do. They turn their minds to idleness, they sometimes turn their minds to crime. And I believe that so many of the social problems that we face often go back to the lack of genuine opportunity.

And so I thought it might be a little bit helpful if I just gave you a couple of small snippets of what is happening in the United Kingdom and what is happening in my company, FIAT, rather than just trying to make sure that this sort of thing does not happen.

In the United Kingdom last year, we announced a new deal for 18-24 year olds, and this offers four options to unemployed young people. One is a job with an employer, which involves six months of training with an employer for a wage of £60 a week. In other words, the Government is funding the employer.

Other possibilities are work in a voluntary sector organization or a place on an environmental task force. In other words, making sure that the environment in which people live is improved. The fourth option is full-time education and training.

Now, I could go through lots of statistics, but I said I would not talk for long, so I will just give you the bottom line. Youth employment in Britain is now at its lowest level since 1975, because these programmes have resulted in a 40 per cent reduction. Another initiative in my country is something we call “sure start”. This programme is a radical cross-departmental strategy to improve services for young people, children and families. It is targeted mainly at children between the ages of four and ten years, from families in need.

The Government has set aside £540 million over the next three years to deliver this programme. Its key is the Government's drive to prevent social exclusion, raise educational standards, reduce health inequities and promote opportunity. And the key principles I think are those which we would all support, including the signposting of specialized services, involvement of parents, avoiding stigma and ensuring lasting support.

So, there are a few snippets of what is happening in one particular country. I would like to add just a few words about what FIAT has done to ensure that young people leaving university have the chance to learn about the world of work.

The Fiat Group employs 350,000 people around the world and has decided that young people should be trained internationally. We therefore have been recruiting young people from all over the world, without restriction, and we have set a target of 500 in the next three years. They must speak English or Italian. Most people these days, not all, speak some English, but not many people “parle italiano”, so we teach them Italian for six months. And then, for the first 18 months they work in the manufacturing sector of Fiat. During the next 18 months they work in a commercial sales and marketing sector of Fiat, and for the last 18 months they work in an engineering sector. And at the end of that five years they will speak at least two languages, instead of the one they started with, and they will be trained in working cross-sectorally in a major corporation. That is going to ensure that you have people from all over the world who can
move into a company where they will be given truly international opportunities.

That is what I wanted to say. I believe that the world of work for young people is the most important thing when they leave school, and for us not to provide these opportunities would be shame on us all. So we must make sure that we do.

Ms. WALKER (Employers' adviser, United States) — Over the last two and a half weeks we in the Committee on Human Resources Training and Development have enjoyed a spirited discussion on the realities of training and education around the world, in developed and developing countries, and in many forms of industry.

The overarching theme of the discussion was that training is the key to economic growth, business competitiveness and worker employability. Increased dialogue between the social partners is necessary to guarantee the appropriate education and training is targeted at those who need it most.

In the United States 73 per cent of United States business provides some type of formal training to its employees. Even when budgets are tight, and competition is intense, United States business agrees with the importance of investing in training and employee development. Overall, United States companies are estimated to spend about $300 billion on total direct and indirect costs of worker training and education each year. United States' employers are utilizing a myriad of ways to deliver training: through corporate universities, partnerships with community colleges, ICT-delivered training and informal workplace training.

Nonetheless, these statistics do not provide a complete picture of training and development. Tomorrow's jobs will require continuously renewed skill sets. New research shows that people can learn continuously. As much as 70 per cent of what employees know about their jobs they have learned informally. Informal learning may be impossible to define as a line item on a budget spreadsheet, but it promises to return considerable value in the quest to develop productive employees. This is especially true for the small and medium enterprises that may not be able to afford many of the popular methods of formal training.

Increased training investments help to attract and retain valuable employees. In the United States it is predicted that by the year 2005 demand will exceed supply for information technology professionals by 1.2 million jobs. About 80 per cent of United States workers polled said training is a somewhat or very important factor in deciding whether to remain in a job or to take a new one. In an increasingly competitive environment for skilled employees, companies will need to work harder to attract and retain workers.

It became clear throughout the discussion of the report of the Office and the conclusions of the Committee that the diversity of training methods and delivery systems indicates that there is no "one size fits all" framework for training or method of investment in training. We heard from developing and developed countries about the successes and failures of their education and training systems. And as we listened it was clear that what we can — and should — do however is to agree on some principles for investment and frameworks for training, set clear standards for the outcome of basic education and organize continued training in such a way that enterprises and workers can fully and freely exercise their responsibility for training.

It also became clear that as training for lifelong learning becomes ever more important, it is integral to a worker's employability that he be provided with a solid basis of primary, secondary and university-level education. This basis should be supported through a dialogue between the social partners to ensure that governments take into account the realities and skill needs of today's workplace. The United States Department of Labor estimates that nearly half of American adults cannot perform the basic skills required for a modern workplace where even simple jobs require higher minimum skills. That means that approximately 90 million United States workers do not possess adequate reading, writing, maths or problem-solving skills. Since the bulk of training goes to those who already have university degrees, it is ever more important that United States workers be provided with a solid basis of education before entering the workforce, to prepare them for lifelong learning in the workplace and to avoid widening the gap between training haves and have-nots.

As the ILO continues to examine the realities of today's workplace, the conclusions of the Committee may contribute to further discussions and work in the ILO on the increasingly important topic of human resources training and development.

Mr. ANAND (Employers' adviser, India) — I am particularly glad to speak again under the chairmanship of the President.

I come to the podium to commend one of the most excellent documents, which is foundational to lasting human resources development across the world. In its implementation, however, we have to go farther than its beautiful text, which is marked by competence and deep commitment. I may in this connection refer to paragraphs 16 and 21, which need special attention and specific follow up.

The report draws attention to progressive growth of adult illiteracy in the least developed countries, which is estimated by UNESCO to concern 188 million people in 2005, as against 144 million in 1985, a rise of 30 per cent, notwithstanding the emphasis hereto on adult education worldwide. Illiteracy and poverty are not only the root causes of child labour, but also a fertile source of mercenary-motivated terrorism and drug trafficking, both being inimical to a stable civil society and socio-economic development dominated by constructive youth. Therefore, at the insistence of the International Organisation of Employers, the 1999 session of the Conference passed a topical resolution on the issue of youth employment which for some reason does not find its due recognition in the report. I am very glad that my group spokesperson had noted it, and made some amendments in his own introductory remarks. Significant elements of this important resolution have perhaps escaped the notice of the Committee in the midst of the debate. Illiteracy also is the root cause of misguided religious fanaticism which in turn contributes to unsavoury social evils and gender discrimination. All these, if not urgently arrested, would further slow down the democratization of societies and conceptual acceptance of decent work, particularly in the developing world and South Asia, where I come from. Education, thus, is a foundational and fundamental pre-
Knowledge is not a prerequisite only for the new society linked to information technologies. It is much more needed in rural and agro-dominated economies like ours, engaged in traditional vocations, in particular in South Asia, to protect robust youth from desperation and degeneration. Equal emphasis on rural infrastructure is therefore essential to close the persisting hiatus between rural and urban societies. For this, much closer and deeper collaboration is essential between the international organizations mentioned in the report, but especially between the Food and Agriculture Organization (FAO) and the ILO, a link which has been missing so far. FAO is doing a lot of work in the technological education field in the rural areas and in professions associated with agriculture, in accordance with its mandate. Such collaboration will carry the ILO’s coherent message to this part of the world.

A review of the Human Resources Development Recommendation, 1975 (No. 150), may not be based solely on the terms of reference, as indicated in paragraph 21. This should also be based on obligations assumed by the ILO under the World Summit for Social Development, held in Copenhagen, and commitments made by the heads of world governments on that occasion for poverty eradication. Without due and continued resource flows as committed by the heads of governments and which would hopefully be reiterated in the Copenhagen +5 Conference to be held here in this magnificent hall later this month, implementation would be slow and tardy, slackening the momentum given by the Director-General. This slackening which I foresee would not bring any credit either to the revitalized ILO under the conceptual framework of “decent work” or to the dynamic leadership provided by the Director-General, his team and colleagues and the Governing Body.

These suggestions which I have made are implicit, but are not explicitly stressed in the report. It reflects only the advocacy aspect of the new InFocus activities. Advocacy is truly a marketing technique, and builds hope. The creation of jobs, which is essential for the fulfillment of hope, will depend on the quality and speed of follow-up action on this unanimously adopted document, and an integrated attitude evolved for the new culture of work. We, in the developing countries, therefore look forward to a common response in that direction. These suggestions taken together with others will surely contribute to balancing socio-economic development in the economies and societies of the poorest and most deprived parts of the world, and thus advance the cause not only of human but also of humane development.

With these remarks I commend the report to my colleagues for acceptance by acclamation.

Original Spanish: Ms. CASTRELLÓN (Employers’ adviser delegate, Panama) — I am very proud that we are talking about education at this time of night, and that there has been quite a large participation by employers, who have shown a keen interest. This means that we are all increasingly aware of how much attention we must pay to education and training, if we want to live in a better world. I would like to share some thoughts with you all on something which I feel is very important: the responsibility of living in the era of knowledge. We are in a sense privileged to live at a time of constant change. We have before us opportunities and challenges, and the latter are so great that organizations like the ILO, governments, employers, employees and workers have huge duties to humankind, especially if we want to give pride of place to the best resource we have on earth, namely, human beings, human resources, you and me, and everyone else.

This is why we would like to stress the need to focus and make the most of human potential, using the knowledge, skills, abilities and attitudes required for people to develop to their full potential and truly have access to the celebrated equal opportunities, which all human beings deserve. I would like to talk about three basic abilities. One is the ability to acquire new knowledge and new technologies. The second important ability is that of “un-learning”, meaning that things which are no longer useful or have become obsolete need to be left aside. The third ability is that of relearning, relearning concepts that will always be relevant, such as solidarity, teamwork and tolerance. This is why we stress the need for relevant education and training in terms of updated technology, whereby on the one hand you can achieve employability, access to decent work, competitiveness, productivity, job preservation, and on the other hand, you can have an increase in the critical mass of companies, and above all, more democratic, fairer, richer societies. The Committee’s work is encouraging, above all because there is a convergence of opinions on key areas in our societies, where competitiveness will depend upon our human resources. We need to focus on and have faith in people. In a country like ours, Panama, we would like to highlight the importance of combating poverty, unequal distribution of wealth, and above all, the need to reach social and economic levels that our peoples deserve, offering them hope for the future. This is why I want to openly declare the fundamental need to understand that education is a very effective tool for combating the unequal distribution of wealth. In fact, the coefficient that measures the unequal distribution of wealth drops rapidly as education rises. This means that there is a high enough return on investment in education to have a permanent impact on our societies.

Furthermore, I am convinced that people do not want to receive, they want to give; people do not want to be dependent, they want to be independent; people want to make their own way forward. Allowing them to take their place in the economic, social, political and cultural development of their countries is giving them the opportunity to fulfill their dreams.

So let us all be agents for change — employers, workers, governments and the ILO. Let us put our money where our mouths are. Let us take the entire contents of the report of the Committee on Human Resources Training and Development to heart and seek to apply it so that we can so that we can provide hope and greater future opportunities to our societies through increased access to education and training.

Ms. MIDDLETON (Workers’ adviser and substitute delegate, New Zealand) — The report of the Committee on Human resources training and development advances in a significant and valuable way the principles for the development of employability. Strong recognition has been given to the importance of primary and secondary education as a base on
Workers will welcome this report for that reason. Recognition of the role of trade unions and collective bargaining in the implementation and organization of education and training for employability is significant. It is significant for its recognition of employability and also on recognizing the need for partnerships based on governance for how that education and training occurs.

Throughout the report, significant attention has been given to the importance of equity of access and participation. The report has taken careful account of the informal sector in developing countries and the particular requirements of education and training in those areas. Under each of these subjects, the employability of women is recognized as having particular relevance and importance with regard to the education and training they receive. The report acknowledges the significance of prior learning and the need to take account of the often unrecognized skills of women.

In conclusion, the report's discussion of a review of the Human Resources Development Recommendation, 1975 (No. 150), is informed by terms of reference that clearly identify a tripartite commitment to improving education and training for the workers of the world.

It is important that the ILO programme of work over the next two years ensures that the ideas suggested for ongoing research and development and the production of guidelines are implemented. This will inform our work and ensure that we are well positioned for the review of Recommendation No. 150, which is to take place in the 2002-03 biennium.

We thank our Chairperson, Dr. Mishra, for his patience and tolerance throughout our work, and the Worker and Employer Vice-Chairpersons respectively, who ensured that we got the job done. Thank you also to all those who helped us make sure we completed our task.

Original German: Mr. LÜBKE (Workers' adviser, Germany) — As the last speaker this evening, I am going to try to humanize work by keeping my statement as short as possible. Nevertheless, I do feel it is necessary to look at some specific aspects of the work done by the Committee. First, the last resolution and Convention on education and vocational training date from 25 years ago. Now, they need to be improved but are still valid in many areas. Some of these points have not yet been implemented by member States, and I think this is regrettable. I think it would be appropriate for all of us to ensure that what we have not done over these last five years should be done now.

Secondly, there is no doubt that we live in a changing world. We have new information and communication technologies which offer many opportunities. But they also pose dangers and we need to mitigate these dangers and use the opportunities, not only for individuals but also to benefit regions. We need to close the gap between the rich and the poor. We should not focus exclusively on those who already have advantages, but consider the disadvantaged as well.

Thirdly, education, training and skills mean that we need to broaden the definition of employability. I am very happy that the Committee was able to agree unanimously on a broad definition of employability.

Fourthly, lifelong learning requires initial training and continuous training. Only these two together can ensure that lifelong learning can be successful, and for this, quality needs to be guaranteed and standards need to be established along with content. Only if this is done can certification and validation be successful.

Fifthly, the resolution rests on two fundamental pillars. These are: the responsibility of member States and employers; and, tripartism and social partnership. I do not think we have exhausted the possibilities of these two pillars, and we should study them further.

Finally, I also believe that the concerns of the less developed countries should be taken into account, and we must implement appropriate solutions in practice.

We have had a constructive debate over the last two weeks, and for this we have the Chairperson, the two spokespersons, but also, the members, to thank for this. If we want to continue in this constructive manner, and tap the potential of our results, then we can make a contribution to improving the situation of humanity, to increasing the competitiveness of enterprise and business, and to improving the situation of all member States of this Organization.

The PRESIDENT (Mr. MOORHEAD) — We have now ended the general discussion of the report of the Committee on Human Resources Training and Development, and we shall proceed to the adoption of the body of the report itself, that is, paragraphs 1 to 424. If there are no objections, I shall take it that the report is adopted.

(The report — paragraphs 1 to 424 — is adopted.)

Let us now turn to the adoption of the resolution concerning human resources training and development, which is appended to the text and which contains a certain number of conclusions. If there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

I wish to thank the Officers and members of the Committee, as well as the secretariat, for the excellent work they have done.

(The Conference adjourned at 7.45 p.m.)
Vote sur la résolution relative aux mesures recommandées par le Conseil d'administration au titre de l'article 33 de la Constitution au sujet de Myanmar

Vote on the resolution concerning the measures recommended by the Governing Body under article 33 of the Constitution with respect to Myanmar

Votación sobre la resolución relativa a las medidas recomendadas por el Consejo de Administración en virtud del artículo 33 de la Constitución respecto de Myanmar

Pour/For/En Pro: 257
Contre/Against/En contra: 41
Abstentions/Abstentions/Abstenciones: 31
Quorum: 271

Pour/For/En Pro: 257

Autriche/Austria
MELAS, Mr. (G)
DEMBSHER, Ms. (G)
ARBEUSER-RASTBURG, Mr. (E)
DIALINOUS, Ms.(T/W)

Bahamas
SYMONETTE, Mr. (G)
DEAN, Mr. (G)
ARNETT, Mr. (E)
MOSS, Mr.(T/W)

Bangladesh
HYDER, Mr. (E)
Khan, Mr.(T/W)

Barbade/Barbados
LOWE, Ms. (G)
SIMMONS, Mr. (G)
TROTMAN, Mr.(T/W)

Belgique/Belgium/Bélgica
PEIRENS, M. (G)
VANDAMME, M. (G)
DA COSTA, M. (E)
CORTEBEECK, M.(T/W)

Belize/Belice
BURROWES, Ms. (E)
MELENDEZ, Mr.(T/W)

Bénin/Benin
ONI, M. (G)

Bolivie/Bolivia
AVILA SEIFERT, Sra. (G)
GUMUCIO DAGRON, Sr. (G)

Botswana
SEBELE, Mr. (G)
MOJAFI, Mr. (G)
DEWAH, Mr. (E)
MONYAKE, Mr.(T/W)

Brésil/Brazil/Brasil
MACHADO, Mr. (G)
GOMES DOS SANTOS, Ms. (G)
BITTENCOURT DA SILVA, Mr. (E)
DE BARROS, Mr.(T/W)

Bulgarie/Bulgaria
KRASTEVA, Ms. (G)
DRAGANOV, Mr. (G)
MLADENOV, Mr.(T/W)

Burkina Faso
SOULAMA, M. (G)
SAWADOGO, M. (G)

Canada/Canadá
ROBINSON, Ms. (G)
PERLIN, Ms. (G)
LAWSON, Mr. (E)
PARROT, Mr.(T/W)

Chili/Chile
LIJUBETIC GODOY, Sr. (G)
VEGA PATRI, Sr. (G)
MORAGA CONTRERAS, Sr.(T/W)

Chypre/Cyprus/Chipre
EFTYCHIOU, Mr. (G)
SAMUEL, Ms. (G)
KITTENIS, Mr.(T/W)
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No. 26 – Thursday, 15 June 2000
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SECOND REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

Original Spanish: The PRESIDENT — The first item on today's agenda is the review and adoption of the second report of the Credentials Committee, which may be found in Provisional Record No. 22.

I would like to give the floor to Mr. Oni, Government delegate, Benin, Chairperson of the Committee, to present the Committee's report.

Original French: Mr. ONI (Government delegate, Benin; Chairperson of the Credentials Committee) — I have the honour of presenting the second report of the Credentials Committee, which you will find in Provisional Record No. 22.

This report contains the conclusions of the Committee on objections which the Committee received concerning the nomination of certain Workers' delegations, and also on complaints concerning non-payment of per diem and travel costs for certain Workers' and Employers' delegates. The report was unanimously adopted and does not call for any action by the Conference.

Nevertheless, I would like to point out that the number of complaints was particularly high this year. The Committee received 32 such complaints as compared with ten last year. However, 19 of these were received beyond the deadline laid down by the Conference Standing Orders and therefore were declared irreceivable.

As far as the conclusions that the Committee arrived at are concerned, I would like to confine myself to saying that the Committee laid out its jurisprudence, which was elaborated last year, concerning obligations on member States if there is no representative organization for workers under article 5, paragraph 3, of the Constitution. Governments of those countries have an obligation under the first paragraph of the same article to nominate non-governmental delegates who would represent respectively the employers and workers who are nationals of each of these countries.

In the view of the Committee, representativeness which is covered by this provision is not just a formal issue, it must be the result of wide-ranging consultations in the country. Moreover, I would like to draw your attention to the fact that a number of governments have not indicated the post or the organization from which the delegates come and this also applies to technical advisers within the Workers' and Employers' delegations. This information, the Committee believes, is essential for the Committee to be able to carry out its work. Therefore, on behalf of the Committee, I would like to urge governments in the future to make sure that they provide such information on the forms or letters presenting the credentials of each of the delegates and technical advisers, Workers and Employers.

I would also like to thank the Conference for having renewed its confidence in me in asking me to chair this Committee and I would particularly like to thank my two colleagues, Mr. Funes de Rioja and Mr. Edström, for their excellent spirit of cooperation which helped us reach a consensus in the Committee.

I would also like to thank the members of the Secretariat who served the Committee for their readiness to assist us throughout our work.

Original Spanish: The PRESIDENT — This report was adopted unanimously by the Credentials Committee, so I simply have to ask the Conference to note the report.

(The report is noted.)

Original Spanish: The PRESIDENT — I would like to thank the Chairperson and the Officers of the Committee for the excellent quality of the report which they have presented.

REPORT OF THE COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE: SUBMISSION, DISCUSSION AND ADOPTION

Original Spanish: The PRESIDENT — The second point on the agenda is the examination and adoption of the report of the Committee on Safety and Health in Agriculture which you will find in Provisional Record No. 24.

I give the floor to Mr. A.B. Che'Man, Government delegate, Malaysia, Reporter of the Committee, to present the report.

Mr. A. B. CHE'MAN (Government delegate, Malaysia; Reporter of the Committee on Safety and Health in Agriculture) — Before presenting the results of our Committee's work, I would like to congratulate the President on his election to chair this important session of the Conference.

It is truly a pleasure to submit the report of the Committee on Safety and Health in Agriculture to the International Labour Conference. Innovation is always exciting. Our Committee has given the first reading to proposed new instruments that embody new ideas. Whereas plantation work fitted easily into the traditional industrial model when the Plantations
Convention, 1958 (No. 110), [and Protocol, 1982] was elaborated in the late 1950s, agriculture as a whole, now takes in large parts of the so-called informal sector, and any new standard will have to accommodate the family farms and self-employed persons that play important roles in the sector.

Our discussions, reported in Provisional Record No. 24, show very clearly the challenge which the ILO tripartite mechanisms will have to face in extending protection to all those employed in agriculture. These people do need protection. The first of the reports we had before us, Report VI(1), recounts that out of an estimated 335,000 fatal workplace accidents worldwide in 1997, 170,000 involved agricultural workers. Apart from actual loss of life, we see also a loss of quality of life. According to a recent survey conducted in 26 countries, 70 per cent of working children were engaged in agricultural activities from ages as low as five years. They may be exposed to the same dangerous tools and machines, the same poisons, the same heat and dust as adult workers. Even children below the age of five may be affected, as we see from studies that show links between occupational hazards in agriculture and disorders in pregnant women and new-born children.

Maternity protection, child labour, the informal sector, are all areas of intense activity in the ILO in their own rights, but certain particular factors must be dealt with urgently if agricultural is not to remain one of the most hazardous areas of human activity.

A particular additional complication is the regulatory environment of agriculture. The designs of occupational safety and health instruments in general must take account of the division of responsibilities in member States, between labour and health ministries and, in the case of agriculture, ministries of agriculture and of the environment.

It is one of the accomplishments of our Committee that our proposed conclusion embraced so many of these factors.

The proposed Conclusions with a view to a Convention made in Report VI(2), with which we began our work, provided a very sound basis. Our most fundamental achievement was to keep a Convention as one of our goals. The Government members of our Committee were nearly unanimous on this point. The Employer members were not in favour of a Convention, and I must salute their goodwill in collaborating with the rest of the Committee to develop this part of our Conclusions.

The continued elaboration of sectoral standards has been sharply questioned, not only in our Committee but elsewhere in the ILO and outside the Organization. But our Committee felt that it was not right for two of the three most dangerous sectors — mining and construction — to have their own international standards while the third, agriculture, did not.

It is worth recording that the word "sector" may make us think of a small slice of something. But in fact agricultural work occupies 1.3 billion people around the world — too large a part of humanity to be ignored.

The proposed Conclusions with a view to a Convention and Recommendation underwent close scrutiny and some substantial modification. We feel, as one would expect on first discussion, that they are works in progress and that the exchange of ideas that we have enjoyed in the last two weeks will enable us to come back next year to produce effective instruments containing standards for all workers in agriculture that will be as high as those in sectors that already benefit from existing Conventions and Recommendations.

Our Committee, sharing many concerns with Conference, with the Committee on Maternity Protection, is proud to have included a provision on health and safety protection for women workers in agriculture, a special point in the proposed Conclusions with a view to a Convention.

Another area of widespread concern was machinery safety and ergonomics where we made an effort to find a proper balance between generality and specificity in the two instruments before us. The word "balance" reminds me of our search for wording under several points that would enable the interests of self-employed persons to be taken into consideration without violating the principle of tripartism that is central to everything that the ILO does and stands for. We look forward to seeing if our inventions will find the success we hope for.

Our Committee had 16 sittings and examined 198 amendments. The fact that only 4 votes were held is testimony to our attempts to find consensus. We were generally aided in this endeavour by our Chairperson, Mr. George, whose patience in sometimes long and complex debates was most impressive.

The forthright approach of the Employer and Worker Vice-Chairpersons, Mr. Makeka and Mr. Trotman, respectively, was instrumental in our completing our work in the short time allotted to us. The Workers' Vice-Chairperson's expression "agreeing to disagree, without being disagreeable" characterizes very well the tone of our debates.

The willingness of all the delegates to give up nights and weekends in pursuit of the goal of firm, yet rafifiable, standards, deserves recognition, as does the ability of the Drafting Committee to rise the juridical and linguistic challenges of this complex area in producing our proposed conclusions.

I cannot close without saluting the ever-present support of Dr. Takala, the representative of the Secretary-General, and his team of experts, secretaries, clerks, typists, and others, whose work was essential to the successful conclusion of our activities.

The fruit of those activities is our report, the proposed conclusions, and the resolution to place "Safety and health in agriculture" on the agenda of next year's session of the Conference. I now have the pleasure of submitting this for your consideration and recommending it for your adoption.

Mr. MAKEKA (Employers' delegate, Lesotho; Vice-Chairperson of the Committee on Safety and Health in Agriculture) — Since this is the first time that I am addressing you, Mr. President, in the plenary, and through you this Assembly, let me congratulate you and the Officers of the Conference for your well-deserved and unanimous elections.

The position of the Employers' group on the matter now before us was clearly stated in the Committee on Safety and Health in Agriculture. We would, however, like to restate and emphasize our position, namely that we do not consider it necessary to elaborate a Convention on this subject-matter.

First and foremost, we already have the Occupational Safety and Health Convention, 1981 (No. 155), which covers all sectors of the economy, inclusive of agriculture. There is also the Labour Inspection...
The ratification record of these existing Conventions unfortunately leaves a lot to be desired. The Occupational Safety and Health Convention, 1981 (No. 155), had only attracted 31 ratifications as of 31 December 1999. The Labour Inspection (Agriculture) Convention, 1969 (No. 129), has attracted 38 ratifications, while the Chemicals Convention, 1990 (No. 170), has only had nine ratifications. What we in the International Labour Organization should be doing is to find out why these Conventions have such a low rate of ratification. Is it because their provisions are too ambitious, making it difficult for governments to ratify them? Or is it because they have not been promoted sufficiently and effectively?

The Employers' group has repeatedly advised against sector-specific Conventions, because they tend to create or promote distortions in the economies of our respective countries, by imposing different and discriminatory standards on workers.

Secondly, and most importantly, this Organization, through the Governing Body, is already addressing the overall issue of standard-setting mechanisms and procedures. We should have awaited the outcome of that exercise, instead of going ahead with the proposed Convention and Recommendation on safety and health in agriculture.

We strongly feel that the adoption of Conventions by majority vote is at the core of the problems of non-ratification of Conventions. Conventions must be adopted by consensus, not by majority vote. A classic example of such consensus is the Worst Forms of Child Labour Convention, 1999 (No. 182), which was able to attract the support of all tripartite partners in this house. On this issue of safety and health in agriculture, the Committee however decided to adopt a Convention and Recommendation by a majority vote rather than by consensus. It is our submission that this is sending a loud and clear message about the prospects for ratification after adoption. And this was before we even considered the contents of the proposed Convention.

This encourages us to appeal to governments, particularly those from developing countries, to review their positions on this matter before the next session of the Conference.

Agriculture is the largest employer of labour in the world. As employers, we attach great importance to the safety and health of workers in agriculture. However, we strongly believe that the matter can best be addressed through a general discussion focusing on this issue alone, perhaps with a view to the adoption of a protocol to the Occupational Safety and Health Convention, 1981 (No. 155), or the adoption of guidelines for Employers and Workers, or at most the adoption of a Recommendation.

As to the contents of the instruments that the Committee has discussed at this first session, Employers are concerned about the approach which the Committee, again by majority, seems to have taken, which in our view overlooks economic realities. Some of the proposed conclusions seem to be oblivious of the fact that, in many respects, agriculture is already at the lowest margin of economic survival.

Profit margins are already very slim, and yet many countries depend on agriculture for their very survival. We fail to understand how a small farmer in a developing country can realistically be expected to shoulder some of the obligations that are embodied in the text of the proposed Convention and Recommendation.

We must emphasize that this Organization prides itself for its uniqueness among the United Nations specialized agencies because of its tripartism constituted by governments, employers and workers.

In the world of work there are only three acknowledged institutional categories to which an interested or concerned party may belong. While we are pleased that subsistence farmers have been excluded from these instruments, nevertheless a fourth party has been introduced, the so-called "self-employed farmer". We argued at length against the inclusion of this category in these instruments, all the more so since we are talking about a group that is not represented at this Conference to air its own views.

Most importantly, we see a precedent being set which, in our view, does not augur well for the future of tripartism in this Organization. We do not think it is too late to resolve this issue by removing the category of so-called "self-employed farmers" from the text. The Office referred to a definition of the "self-employed farmer" which clearly makes him an employer rather than a worker. In our view, a self-employed farmer should not employ other persons, no matter how temporarily, because he is supposed to be an employer and a worker at the same time. We insist therefore that the Office review this definition so as to enable us to address this issue constructively at the second sitting of this Conference.

We are concerned about the provisions on risk assessment, since they are couched in a language that imposes strict liability on farmers, which is not the case in other sectors of the economy. We are most unhappy with the advice of the Office to the effect that the phrase "in as far as is reasonably practical" should not be used in the text of these instruments. In our view this goes beyond the mandate of the Office and impinges on the rights of delegates to make amendments, particularly as this clause is already embodied in numerous ILO instruments.

We would like the Office to revisit this matter and we insist on a written legal opinion. We reserve our right to study it and take appropriate steps.

We are also concerned by provisions which are not agriculture specific, but which tend to discriminate between employers in this sector and employers in other sectors. We refer, for example, to the so-called suspension of agricultural activities by the competent authority without due process of the law.

Our attempts to confine these drastic measures to imminent hazards to workers were unsuccessful. Further, farmers are now required to take into account the needs of women, especially as regards pregnancy, breastfeeding and reproductive health. Again, our efforts to point out that this matter falls under the instruments on maternity which this Conference is addressing, and that employers in other sectors are not required to do this, met with opposition from the majority of Governments and Workers' representatives.

This is over and above the fact that we do not know what these needs are and that we are therefore paving the way for unnecessary demands and disputes in the workplace. It is clauses like this which will make women unattractive as employees, an unfortunate
outcome. We strongly urge Governments to review this issue too before the next session.

The trend throughout the world is towards deregulation as a means of promoting flexibility and employment in the light of the rampant unemployment problem facing most of our developing countries. These instruments are going in the opposite direction. For example, we are forcing governments to introduce laws and regulations concerning what are called "agricultural facilities", which are widely defined in the ILO document to include even temporary structures. The practicalities can only inhibit development and retard economic growth on farms. We urge Governments to look again at this issue also, because it is one thing for governments to introduce laws and regulations as necessary, but it is another to oblige them to do so.

The same applies to the provisions concerning compulsory insurance schemes against occupational injuries and sickness. In the case of my country, Lesotho, I am really interested to hear from the Government how it intends to deal with this issue, since it voted in favour of a Convention on the subject. It is one thing to require compulsory schemes, but the question is whether we can afford them. Our proposal to make this subordinate to national laws and practice was not acceptable to the Committee.

Let me conclude by congratulating Mr. George, the Chairperson of the Committee, Mr. Trotman, the Worker Vice-Chairperson, and Mr. A.B. Che'Man, the Reporter, for having very ably managed the affairs of the Committee. I would also like to congratulate the Secretariat, headed by Dr. Takala, for the assistance and cooperation that were extended to our group. Our thanks are equally extended to interpreters who facilitate our communications with each other.

Last, but not least, I would like to record my appreciation to my assistants, Barbara Pickings, Miss Jodie Stearns, the United States Employers' delegate who represented our group in the Drafting Committee, and of course to the entire Employers' group for the support and advice they gave me during the discussions.

Mr. TROTMAN (Workers' delegate, Barbados; Worker Vice-Chairperson of the Committee on Safety and Health in Agriculture) — I have the honour to address this Conference on behalf of the Worker members of the Committee on Safety and Health in Agriculture. We are very pleased that we have been able to work on an instrument which affects some 50 per cent, or more, of the working population and which touches every country in our ILO family.

Very frankly, I do not believe that anyone wants to hear long speeches any more. I will, therefore, limit myself to endorsing the sentiments of the Reporter and to saying that they accurately reflect what has transpired. I will also make a few comments intended to set the record straight.

I regret that I cannot be even more brief than that, but Mr. Makeka, as usual, has prompted some comments, which justice would demand I make at this time. I do not wish to speak about the matter of determination by consensus, as opposed to by majority, because this is a matter which is part of the ongoing discussions at the level of the Governing Body. This issue will be addressed at a later time.

I disagree, however, and I believe that our entire group disagrees, with the suggestion that the content of the draft report — and in our first reading of the Convention — makes too many demands on employers. We believe that the demands are just and reasonable. They are basic and fundamental demands and, therefore, governments, and indeed employers, should have no difficulties addressing these matters. If, from time to time, we have addressed some sector-specific areas, that is not very different from what we were able to do with those Conventions which we used as reference points. I hope that it would not be considered to be opening up an avenue of unclear demands, if we ask for simple things, like toilet facilities, for our workers in the agricultural industry. By the way, we had great trouble in getting such facilities for members.

In short, our group does not share the view of those who would seek to deny or to prevent the creation of new standards. We accept that we must guard against the impractical, and that we must reach conclusions based on the circumstances of a modern day global society. However, at this point, our position differs from those of many others. Others would have us surrender our markets to the few who emerge as the biggest and the fastest, and sometimes the least fastidious. They would have us surrender our land, especially today, which has the best scenery and soundest environmental capacity. Then, they would seek to suppress the just expectations of our people and argue that human expectations within their globalized jungle must be brought into a paradigm which will forever maintain class, privilege and poverty.

In the recent debate which we have had on safety and health in agriculture, we have sought to challenge that paradigm and to ensure that agricultural workers enjoy conditions of work, and a working environment which are no less human and respectable than those which other workers obtain as a matter of course.

We are mature and we are realistic. We understand that the nature of the work will create some differences in detail. However, we insist that the principle of similarity must be observed. We have had some problems both from the employers and from some governments with regard to the treatment of various basic and fundamental amenities and facilities, which relate to the upholding of human dignity. We wish to serve notice that those matters have to be revisited. There is no need to embarrass anyone present.
Also, we have to revisit the matter of how workers and employers can effectively work together to monitor and maintain sounder safety and health facilities, in areas where the numbers of workers at an establishment may be very small, and the resources may not permit joint safety and health committees. We will, therefore, revisit the question of roving inspectors. We have indicated that the special conditions of the piece-rate workers need to undergo further, more detailed discussion, since we consider this kind of work to be a particularly hazardous sphere of endeavour for agricultural, as indeed for other workers. We have to examine how to protect workers from harmful chemicals and pesticides to a greater extent than we may have done in the previous reading.

We acknowledge that the Employers, and indeed some Governments, have reasonable areas for some concern. We have joined the Employers in some instances to ask the Office to review some aspects of the work that we carried out during the first reading. We think that whatever the views may be regarding the debate of future Conventions, Employers and Governments ought to be able, now and in the year 2001, to find that we can easily agree upon this Convention and the Recommendation — as we did in the matter of child labour.

We join with those who have given thanks to the Office for the work which it undertook in preparation for this Conference. There is no need for us to go into details, since we have already done that at the Committee level. It is merely left for us to again publicly thank all of those from the Employers' and Government groups and those on our side, who have supported this effort. We look forward to the support, not only from these people, but from the entire family within this tripartite body, thereby achieving a level of human dignity for agricultural workers which they deserved and indeed expect.

Mr. GEORGE (Government delegate, Nigeria; Chairperson of the Committee on Safety and Health in Agriculture) — I feel very highly honoured to make this apppreative speech to the Conference plenary session. Most of the member States of the International Labour Organization agree that agriculture is a high risk factor. It is significant to note that only two member countries have national safety and health laws that comprehensively address agriculture. Some others have national safety and health laws that do not exclude agriculture, but are not exclusively directed at this sector. Therein lies the reason why the Governing Body, at its 271st Session in March 1998, decided to place an item of safety and health in agriculture on the agenda of the International Labour Conference at its 88th Session in the year 2000. The Committee's task was to examine in the first discussion the proposed conclusion on safety and health in agriculture, and propose an instrument for protecting the safety and health of agricultural workers.

We have, in the last ten days and 16 sittings, discussed in extensive detail the proposed conclusions with a view to agreeing on a standard on safety and health in agriculture. The first hurdle we cleared was the proposed conclusion with a view to a Convention and Recommendation. I am happy to note that the Committee agreed, after elaborate discussions, to propose the Convention supplemented by a Recommendation.

We then proceeded to examine, point by point, the proposed conclusions prepared by the Office. During our discussions which, for the most part, were stimulating, delegates proposed deletions or amendments to phrases, clauses or articles. The proposals upon which we agreed were not only scientifically correct, but also flexible enough for many countries to adopt.

All groups in the tripartite Committee agreed, after healthy discussions, to include all the processes involved in agriculture, from tilling the ground to harvesting of crops, animal and livestock breeding, and agro-forestry. These were all included in the definition of agriculture. We excluded any work performed in forests and related to industrial exploitation of forests from the definition of agriculture as this was already covered in an ILO Code of practice on safety and health in forestry work. The responsibilities of the competent authorities and employers, together with the rights and duties of the workers, are so well-known to everyone that the Committee arrived at agreeable positions in the relevant points under the general provisions of the proposed document.

Similar arguments were used in determining the responsibilities, rights and duties of each group in the tripartite arrangement, when preventive and protective measures were considered. Committee members examined very critically the economic and technology transferring aspects of agriculture, and came to the conclusion that additional measures in the form of articles needed to be added to the proposed documents to take care of all workers engaged in this sector. Committee members agreed that safety of agricultural machinery needed to be standardized for wide application of the proposed Convention.

Chemicals, such as fertilizers and pesticides, are widely used in the agricultural sector. These substances were, therefore, given special consideration in the proposed standards in order to protect the safety and health of the workers. The appropriate official languages of the user country are to be used in disseminating information on agricultural chemicals.

Young workers, who are meticulously defined in the proposed Convention, are to be totally protected from dangerous work. Women workers are also given special attention in the proposed Convention. The Committee members thoroughly examined all the points in the proposed Recommendation, and additional measures were therefore introduced to give effect to the relevant points already considered under the proposed Convention.

I would like to conclude this short speech by emphasizing that the Committee found the wording of the Occupational Safety and Health Convention, 1981 (No. 155), very useful in arriving at consensus on many points in the proposed Convention. The Committee members would like to thank the Office and secretariat for providing the very comprehensive proposed conclusions which were used as our working documents. We sincerely urge the Conference plenary session to support our Committee's stand, and I recommend the proposed conclusions with a view to a Convention supplemented by a Recommendation.

Original Spanish: The PRESIDENT — I now open the general discussion on the report of the Committee on Health and Safety in Agriculture.
Mr. AGARWAL (Employers’ adviser, India) — This is my first opportunity to attend a session of the International Labour Conference. I had the privilege of representing Indian employers on the Committee on Health Safety and in Agriculture.

India is large, both in terms of its population and its area. It is also one of the largest producers of various agricultural commodities in the world.

During the deliberations in the group, and the tripartite meetings, I kept in mind and held the view that the provisions of an international instrument should be such that it should be ratifiable and implementable without detriment to the interests of workers, as well as employers. If the instrument is not flexible enough to accommodate various viewpoints and practices in different parts of the world, the very purpose of such international legislation is defeated as it is devoid of wide ratification. I am sure it is not in the interest of workers if an instrument does not receive wide ratification.

India is a large agricultural country, and I believe that provisions should be such that we feel involved in the process. The provisions of present Conventions have no practicality for us, although our entire economy is agriculture-based.

The proposed Convention, which is the result of two weeks of arduous deliberations, has such impractical provisions as the provision of chemical toilets at farms and the provision of hot meals. Stipulating regulations for agricultural buildings means little in countries like India. It is going to add to the costs of small farmers. Similarly, I feel the definition of self-employed farmers is wrong, particularly in the context of the south-east region. Small self-employed farmers do not have any permanent agricultural workers, and hence, to cover them under this instrument would be wrong. I once again appeal to keep our regions’ prevailing conditions in mind. We go to open fields in the morning, and to ask us to provide toilets is absolutely wrong and against tradition and practice. How is this possible in developing poor countries, particularly where farm holdings are fragmented? If those who advocate such impractical provisions in a Convention, and do not have ratification in mind, or wish to exclude developing countries — particularly countries like India, then there is a need to review the basic methodology of the ILO. Such advocates of impractical and rigid instruments cannot claim to be true to their constituents.

Fortunately, this is the first year of discussion. I hope members of the Committee, and particularly the Government members, will reflect on this issue and adopt a realistic approach when they come for the 89th Session.

Mr. POTTER (Employers’ adviser and substitute delegate, United States) — I am making these remarks on behalf of Jodie Starns, who is a farmer’s daughter, and with her husband operates a 1,500 acre farm in the State of Ohio in the United States. These are her words. I think you will find that she is quite passionate about farming.

I am a farmer in the United States, where my family and Iemploy approximately 125 workers to harvest pickling cucumbers and peppers grown on our farm. Having spent the last two weeks with agricultural employers from other countries, I have learned that our concerns are much the same. They were ably presented by our spokesperson, Mr. Makeka.

The purported intent of the draft Convention as set forth in the opening paragraph is to ensure that workers in agriculture enjoy safety and health protection that is equivalent to that provided to workers in other sectors of the economy. The stated purpose, however, has been completely thwarted, as the proposals contained herein far exceed the protections afforded to workers in other sectors. I believe this draft instrument is so fundamentally flawed that no reasonable government would consider ratifying it.

Mr. Makeka has already discussed the issue of the self-employed farmers, and I only wish to say here that United States business endorses his position with respect to that.

The second specific point of concern in the draft instrument is the requirement that employers take into account the needs of women agricultural workers relative to pregnancy, breastfeeding and reproductive health. It is difficult to envision what agricultural employers would be expected to do in this regard, as special facilities are simply not plausible in a field, and frequent breaks are not possible when harvesting with a crew, especially when a perishable crop is involved. Furthermore, it would not be conducive to the health and welfare of an infant to be brought into the field. Pregnancy, breastfeeding and reproductive health are clearly not appropriate issues for inclusion in this draft instrument, and such a mandate is certainly not found in Conventions covering any other sector or industry.

Another concern for agricultural employers in the United States is the requirement of compulsory insurance for employers and self-employed farmers. This is another topic which is not covered in any other industry-specific ILO Convention, and which should be left to national and local governments to determine, in accordance with prevailing conditions and circumstances. To mandate compulsory insurance for all agricultural workers is far too broad a measure. At best, the subject should be addressed in a Recommendation. Many governments will be unwilling to ratify this document, especially in light of the fact that self-employed farmers are also included in this grand vision which aims at covering everyone with a mandatory insurance.

Another unworkable and inappropriate principle that has been introduced in this draft instrument is ergonomic considerations concerning farm machinery and even tools. This proposal is not based on any scientific research, as no ergonomic studies have even been performed in agriculture. It also begs the question of how a farmer is supposed to comply with such a Recommendation. Should he test-drive several tractors and make his decision to purchase based upon which tractor rides the smoothest, rather than cost, horsepower and warranty considerations? Where is a farmer to find an ergonomically correct hoe for his fieldworkers, or an ergonomically correct pail in which to pick vegetables? As ridiculous as these questions are, this is the light in which the proposed Recommendation will be viewed. Compliance with such a Recommendation would impose an extreme burden on governments and would greatly increase the cost of farm machinery and tools of the farmer, as suppliers simply pass this cost on. This provision far exceeds the scope of the intended and stated purpose of this instrument and could not be ratified by any reasonable government.

The most absurd proposal, however, is the one which actually recommends separate toilet and hand-
Mr. YADAV (Minister of Labour, Government of Andhra Pradesh, India) — I am grateful to the President for giving me this opportunity to lend the support of our country to the cause of health and safety of agricultural workers. As you may know, we have the largest population of agricultural workers in our country, approximately 150 million, and we are committed as a nation and as a Government to their welfare, health and safety. The initiative taken by the ILO to formulate international instruments, that is a Convention supplemented by a Recommendation, on health and safety for agricultural workers is both timely and commendable. Agricultural work activities range over a very large spectrum, from the most modern farms and plantations to those undertaken by small, medium-sized and marginal farmers, and even sharecroppers, squatters and indigenous people. The ILO has estimated that there are about 1.3 billion workers engaged in agricultural production worldwide, and there are about 170,000 fatal workplace casualties among such workers annually. This sector is also assessed as one of the three most accident-prone, second constructive and positive discussion next year.

Agriculture is a unique industry, and agricultural employers are on the low end of the economic ladder. The draft instrument creates burdensome costs which the farmer, unlike most businesses, cannot add to the price of his product, because the farmer is a price-taker. The proposals contained in the draft instrument range from impractical to implausible, and from laughable to absurd. In its present form, it is simply not ratifiable. The draft instrument cannot be seriously considered by any country which values agriculture or which has any respect for its agricultural employers.

Mr. HAKANSSON (Workers' adviser, Sweden) — On behalf of the Swedish Agriculture Workers' Union and the IUF, agriculture's international association, I am delighted to have this opportunity to address the 88th Session of the International Labour Conference.

It is also on behalf of SLF and IUF that I welcome the proposed Convention and Recommendation on safety and health in agriculture, which both organizations see as a positive beginning to improve working conditions in one of the three most dangerous industries.

Whilst naturally the process must be completed at next year's International Labour Conference, its significant support gives us every reason to anticipate a second constructive and positive discussion next year, and the adoption of a Convention and accompanying Recommendation by the 2001 ILO Conference.

I am speaking on behalf of the millions of agriculture workers whose unions are affiliated to the IUF, workers who work in a sector that ranks alongside mining and construction in the shameful high level of fatalities, accidents and ill-health impact upon the workplaces. Over half of the more than 500,000 fatal workplace accidents each year take place in agriculture, which employs an estimated 1.3 billion workers internationally. Agriculture workers also constitute a large part of the more than 250 million workers injured each year and the over 160 million who fall ill due to workplace hazards and exposures.
In moving to adopt a Convention and a Recommendation, the ILO will have expressed its commitment to those workers, farmers and self-employed who work in the world's largest sector, employing as it does approximately 50 per cent of the world's workforce. The ILO will also have, once again, established that we need world minimum standards, basic social rules, if we are to look forward to a sustained and equitable development in the future. Without such rules development can be neither equitable nor, would I contend, sustainable.

This future instrument, then, will speak to the needs of minimum international standards in these and other areas affecting the health and safety of those working in agriculture.

I would like to take this opportunity to express my gratitude to the Office and secretariat, the Committee that has been working for two weeks, the presidium of the Committee and a special thanks to the Vice-Chairperson of the Workers for bringing us to this first reading.

We look for rapid and extensive ratification following its adoption next year and to its positive and significant impact on the ground, and we can assure you of the support of agricultural workers and trade unions around the world to reach this goal.

Ms. SIMIYU (Workers' adviser, Kenya) — I welcome this opportunity to speak in support of the comments already made by the spokesperson of the Workers' group in the Committee on Safety and Health in Agriculture, Brother Leroy Trotman. I would also like to take this opportunity to put on record the thanks of the Workers' group in the Committee to Mr. Trotman for his excellent work and leadership.

We have made significant progress over the past few weeks and have emerged with a proposed Convention backed up by a Recommendation. These instruments have the potential to improve the lives of millions of workers. They are sector specific, but that sector still employs about half of the world's workforce.

Women make up a significant part of that workforce as subsistence farmers, self-employed workers, seasonal and casual workers. However, their contribution has been traditionally underestimated and gender inequalities are pronounced. Women in agriculture have a high incidence of injuries according to research carried out by the ILO itself. Heavy work during crop cultivation and harvest is frequent. The risk of miscarriages, premature deliveries and work during crop cultivation and harvest is frequent. If implemented this will bring, not significant improvements in the lives and health of women workers now, but also for future generations.

I hope that in 2001 we will continue the excellent progress made this year and adopt a strong Convention backed up by a Recommendation.

Original Spanish: The PRESIDENT — Let us now move to the adoption of the report, of the proposed conclusions and of the accompanying resolution. We shall start with the body of the report itself — paragraphs 1-273.

If there are no objections, may I consider that we have adopted the body of the report, paragraphs 1-273?

(The report — paragraphs 1-273 — is adopted.)

CONCLUSIONS PROPOSED BY THE COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE: ADOPTION

Original Spanish: The PRESIDENT — We will now move on to the adoption of the conclusions proposed by the Committee. If there are no objections, may I take it that the proposed conclusions, paragraphs 1 to 38, are adopted?

(The proposed conclusions — paragraphs 1 to 38 — are adopted.)

RESOLUTION TO PLACE ON THE AGENDA OF THE NEXT ORDINARY SESSION OF THE CONFERENCE AN ITEM ENTITLED "SAFETY AND HEALTH IN AGRICULTURE": ADOPTION

Original Spanish: The PRESIDENT — We move now to the adoption of the resolution. If there are no objections, may I consider that the resolution is adopted?

(The resolution is adopted.)

I would like to thank the Officers and members of the Committee, and of course the secretariat, for their excellent work.

FINAL RECORD VOTE ON THE CONVENTION CONCERNING THE REVISION OF THE MATERNITY PROTECTION CONVENTION (REVISED), 1952

Original Spanish: The PRESIDENT — We shall now proceed to the final record vote on the Convention concerning the revision of the Protection of Maternity Convention (Revised), 1952, of which you will find in Provisional Record No. 20A.

(A record vote is taken.)

[The detailed results of the vote will be found at the end of this Provisional Record.]

As all delegates have now voted, I declare the vote is concluded.

The result of the vote is as follows: 304 votes in favour, 22 votes against, with 116 abstentions. Since the quorum is 267 and the required two-thirds majority is 218, the Convention concerning the revision of the Maternity Protection Convention (Revised), 1952, is adopted.

(The Convention is adopted.)

A number of delegates wish to explain the way they voted. I give the floor to Ms. Niven, Government delegate, United Kingdom.)
Ms. NIVEN (Government delegate, United Kingdom) — The United Kingdom would like to make an explanation of our vote.

Yesterday, the Reporter, the distinguished Government delegate of Cyprus, listed the increased benefits conferred by this revised Convention.

The Government of the United Kingdom wholeheartedly endorses the objective of achieving proper, universal maternity protection. This is not just a matter of individual rights, although that is vitally important. If mothers have decent maternity pay and leave they are more likely to return to work. This is good for companies because they can then retain skilled staff and their investment in skills and training is not wasted.

The Government of the United Kingdom has set up a Work-Life Balance Challenge Fund to help employers explore how work-life balance employment policies will deliver more efficient, flexible and profitable businesses.

However, the United Kingdom's current legislation does not fully comply with the provisions of this Convention. The United Kingdom could not therefore, at present, ratify this Convention.

On 9 May my Government announced a major review, at the ministerial level, to look at the issues of maternity and parental leave. My Government will pay close attention to the provisions of this Convention in the review, but my Government did not want to pre-empt the conclusions of that review by giving any commitment at the present time about future ratification of this Convention. Accordingly, I was instructed to abstain on the vote today.

Mr. DREVER (Government delegate, Australia) — Australia voted for the adoption of the revised Maternity Protection Convention (Revised), 1952 (No. 103), but wishes at the same time to record in the strongest possible terms its disappointment at the form that this revised instrument takes.

This Conference was given a mandate to review maternity protection on the basis that only a very small number of member States had been able to ratify the Convention on that subject in its entire 48-year history. As many speakers in yesterday's discussion indicated, the Maternity Protection Convention (Revised), 1952 (No. 103), was a detailed, prescriptive instrument that took little account of different national arrangements and levels of social and economic development. The reviewed Convention is just as prescriptive as its predecessor, and indeed provides for higher levels of standards in several areas. This formulation is not conducive to increased ratification. It is highly likely that even several of those member States that had ratified the Maternity Protection Convention (Revised), 1952 (No. 103) will not be able to ratify this new instrument.

It is also notable that some developed countries that have the highest levels of maternity protection in the world would have great difficulty in ratifying the instrument. This is not a positive outcome for women. In Australia's view, it will fail to achieve the broader coverage and protection for women that the review envisaged. Nor is it a positive outcome for the ILO and its member States. In the last decade, Conventions adopted by the ILO have, with the notable exception of the Worst Forms of Child Labour Convention, 1999 (No. 182), achieved consistently low levels of ratification. Outcome such as this only serves to emphasize the view that Australia has previously expressed, that the need for comprehensive reform of standard setting is growing ever more urgent.

Australia voted in favour, as it does not wish to stop those member States that are able to ratify this instrument from doing so, but regrets that a more meaningful and flexible international labour standard could not be adopted.

Original Spanish: Mr. SAPPIA (Government delegate, Argentina) — I am making this statement on behalf of the following Government delegations: Chile, Nicaragua, the Dominican Republic, Uruguay, Guatemala, El Salvador and Argentina.

We would like to explain why we voted no. We want to strengthen the standard-setting activity of the ILO and our vote against should be seen in that light.

Analysing the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), we came to the conclusion that the new instrument should be looked at not only in relation to national legislation, but also in relation to what is already stipulated in Convention No. 103 and to the provisions previously set out in Convention No. 3 of 1919.

Our analysis of the draft revision of the Convention led us to the conclusion that although some progress has been made, for example, increasing post-birth leave from 12 to 14 weeks, nothing has been done to reduce the risk of dismissal during pregnancy and after childbirth. What is important is not the length of the protection, but the security that such protection affords. We feel that this is being watered down in the proposal which was submitted for our consideration. We are also concerned about social responsibility for the change in the system of public financing. The increased expense involved in hiring women could lead to discrimination against women, where at present such discrimination does not exist.

This runs counter to our government policies, which are directed at increasing female employment in decent work and maintaining it at a high rate. We want working women and mothers to be protected, particularly during pregnancy and the nursing period, and we want to ensure social responsibility for maternity protection and promote equality of opportunity between men and women. That was why we voted the way we did.

Original Spanish: Mr. PENROD (Government delegate, Costa Rica) — I want to take the floor in order to explain the vote cast by Costa Rica on this particular subject. Costa Rica took the decision to abstain from the vote once we had made a general comparative analysis of the protection provided in the Maternity Protection Convention (Revised), 1952 (No. 103), and in its revision which was submitted for voting and approved today, we identified certain areas in which we appeared to have moved backwards and reduced the level of protection provided.

We know perfectly well that the ILO Constitution enables us to incorporate instruments which might not go as far as national legislation, and this does not impede their application. Costa Rica did not ratify the Maternity Protection Convention (Revised), 1952 (No. 103), but our legislation, even though we are a developing country, provides greater protection than the provisions of that Convention.

This revised instrument that has just been adopted has perhaps made some steps in the right direction; however, it does not represent a significant change for Costa Rica, and, therefore, it will not lead to a substantial improvement for our people.

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We understand that the negotiation carried out in order to make the application of this revision more rational and more flexible was intended to increase the possibility of covering of maternity protection throughout the world. However, we think that in trying to do this, we have fallen into the trap of applying excessive flexibility, which has actually, or at least as we see it, gone beyond the limits within which it should have been applied.

In short, that is why Costa Rica abstained from voting on this particular proposal.

Original French: Mr. BRUPBACHER (Government adviser and substitute delegate, Switzerland) — Switzerland abstained on this vote. It is a tradition in my country to ratify international labour Conventions when it gives a positive vote in the plenary. Swiss practice, with reference to the ratification of ILO Conventions, is that the Government proposes the ratification of a Convention when it is in line with existing Swiss legislation. The revised Convention on maternity protection does not correspond to Swiss legislation, because the people of Switzerland rejected a draft Federal Bill on maternity insurance in a referendum held on 13 June 1999.

Since then, the Federal Council — that is to say the Swiss Government — has announced its intention of submitting a possible solution about maternity protection to Parliament. Depending on what happens, the Swiss Government might look again at its position vis-à-vis relevant international labour Conventions.

Original French: Mr. VANDAMME (Government delegate, Belgium) — Belgium is delighted to see that this Convention has been adopted, having voted in favour of it. The adoption of this text will help to guide standard-setting policy in the future.

For Belgium, it is important that the ILO should regularly revise its standards on issues of significance to the world of work. Maternity protection was clearly such an issue, and its importance and significance has been highlighted by work done under the aegis of the United Nations and also within our Committee which was able to draw on a wide pool of expertise. The objective of protecting the rights of women at work is no less important today than it was in the past.

We all agreed on that goal, but perhaps there was less agreement as to the method by which the goals should be achieved. Some people sought to make the work a test case for a rather abstract discussion on the future of standard-setting policy. Fortunately, the Conference has been able to adopt this Convention, showing how effective the Conference can be.

Belgium will be able to ratify the Convention, once we have adapted our legislation. However, it does not want to base its action on a European directive, which does not go as far as this Convention does in a number of areas.

As to lessons to be drawn for the future of standard setting, we believe that there are several points to be made. Firstly, the Conference has shown that it is interested not in abstract work but in specific, tangible proposals, submitted by the Office, on important subjects. Maternity protection is such a subject.

Further, it is inevitable in a legal text that people will attempt to propose solutions to real problems. We believe, however, that a certain amount of flexibility within the text will allow those countries which may be a bit hesitant about this today to improve maternity protection, if they have the genuine political will to do so. Political will is needed for ratification. Technical assistance from the ILO and a sharing of expertise with countries which already have relevant legislation should encourage such countries to take the necessary steps.

Looking to the future, then, I believe that it is important that the Office continues to select subjects that are of undeniable practical importance. Secondly, the Office must make proposals for the revision of texts and not get bogged down in abstract discussions.

Attention should be paid to achieving ratification on a broad basis. I dare not believe that in 50 years' time the number of ratifications of this Convention will be no higher than that for the previous Convention. We do not believe that systematic reference to flexibility clauses included in national laws is as effective in political terms as guaranteeing economic and social rights in a manner that respects the pace of development, a process to which women throughout the world certainly make a major contribution.

Mr. MELENDEZ (Workers' delegate, Belize) — On behalf of the tripartite delegation of Belize, we voted in favour of maternity protection as a tripartite body.

Belize ratified the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in March 2000. We believe in a new paradigm of peaceful coexistence and a high road approach for economic development.

After reviewing the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), we were sure and positive that this could be implemented in our country, especially with the flexible clause that was added in national law and practice.

Belize believes in social dialogue, employment and career needs. Belize is looking forward to the assistance of the ILO for the proper implementation and monitoring of standards.

As you are all aware, Belize is one of the 24 countries that have ratified the eight core labour standards, and especially No. 182.

We are very proud to be part of this Conference and we are sure that through the maternity Convention, as revised, our women will have more rights, more privileges and benefits, because being partners in social dialogue and representative of a very peaceful and democratic country in the heart of Central America, and in the centre of the Caribbean basin, we know that we can be the only bridge that can unite the region in Central America and the Caribbean.

The tripartite delegation voting for the first time today as a tripartite body, discussed the issue and consulted in every way possible to ensure that we did the correct thing. So, then, we voted as a tripartite body in favour of this maternity Convention.

Final record vote on the Recommendation concerning the revision of the Maternity Protection Recommendation, 1952

Original Spanish: The PRESIDENT — I propose that we now move to the record vote on the Recommendation on the revision of the Recommendation
on Maternity Protection 1952, the text of which can be found in Provisional Record No. 20B.

(A record vote is taken.)

[The detailed results of the vote will be found at the end of this Provisional Record.]

Original Spanish: The PRESIDENT — The result of the vote is as follows: 315 votes in favour, 16 votes against, with 108 abstentions. Since the quorum is 267 and the required two-thirds majority is 221, the Recommendation on the revision to the Recommendation on Maternity Protection, 1952, is adopted.

(The Recommendation is adopted.)

FINAL RECORD VOTE

ON THE WITHDRAWAL OF THE HOURS OF WORK (COAL MINES) CONVENTION, 1931 (No. 31), HOURS OF WORK (COAL MINES) CONVENTION (REVISED), 1935 (No. 46), REDUCTION OF HOURS OF WORK (PUBLIC WORKS) CONVENTION, 1936 (No. 51), REDUCTION OF HOURS OF WORK (TEXTILES) CONVENTION, 1937 (No. 61), AND MIGRATION FOR EMPLOYMENT CONVENTION, 1939 (No. 66)

Original Spanish: The PRESIDENT — We shall now hold a record vote on the withdrawal of five international labour Conventions: Nos. 31, 46, 51, 61 and 66.

To withdraw a Convention the procedure is the same as for the adoption of a Convention. This means that the Conference has to decide with a two-thirds majority of the votes cast in favour of the withdrawal of each of the Conventions taken separately. That would mean in this case five separate votes. In order to facilitate the procedure, I propose that we vote on the withdrawal of the five Conventions taken together. In accordance with the Standing Orders of the Conference, after this single vote delegates will be able to give any explanations they deem necessary regarding the withdrawal of any of the five Conventions.

Since there are no objections to my proposal, we shall now vote on the withdrawal of the five Conventions: the Hours of Work (Coal Mines) Convention, 1931 (No. 31), which you can find in Provisional Record No. 6-2A; the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46), in Provisional Record No. 6-2B; the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51), in Provisional Record No. 6-2C; the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61), in Provisional Record No. 6-2D; and the Migration for Employment Convention, 1939 (No. 66), in Provisional Record No. 6-2E.

(A record vote is taken.)

[The detailed results of the vote will be found at the end of this Provisional Record.]

The result of the vote is as follows: 421 votes in favour, 9 against, with 2 abstentions. Since the quorum is 267, and the required two-thirds majority is 287, the five Conventions — Nos. 31, 46, 51, 61 and 66 — are withdrawn.

(The five Conventions — Nos. 31, 45, 51, 61 and 66 — are withdrawn.)

This is the first time that the Conference has withdrawn ILO Conventions and this will help modernize the international labour standards as a whole.

As nobody wants to give an explanation of his or her vote, I give the floor to the Clerk of the Conference for an announcement.

RATIONING OF AN INTERNATIONAL LABOUR CONVENTION BY GHANA

Original Spanish: The PRESIDENT — Let us move on now to the review and adoption of the report of the Committee on the Application of Standards, which is in Provisional Record No. 23. Since the Committee's Reporter, Ms. Misner, Government delegate, United States, had to return to her country this morning, I call on Mr. Van Der Heijden, Government delegate, Netherlands, Chairperson of the Committee, to submit the report.

Mr. VAN DER HEIJDEN (Government delegate, the Netherlands; Chairperson of the Committee on the Application of Standards) — The person standing here on the rostrum before you is obviously not a woman. If you look into the report of the Committee on Application of Standards you will notice that our Reporter is a woman. Unfortunately, our excellent and outstanding Reporter, Mrs. Julie Misner, Government representative of the United States, had to return to her country this morning. That is the reason why the Chairperson of the Committee will read her report.

It was an honour and a particular pleasure to have served as the Reporter of the Conference Committee on the Application of Standards. Having participated as a Government representative in the Committee for over 15 years, I found that I had quite a lot to learn in witnessing the Committee's deliberations from a different perspective. But, as always, I found the level of constructive, open and highly professional debate in the Committee to be unparalleled.

I will not tax you with a detailed summary of our discussions. I will only briefly suggest a number of subjects that you may wish to look for in the report. The Conference Committee on the Application of Standards is an essential actor in the regular supervisory system set up by the Organization to ensure that standards adopted by the Conference are fully applied. But it is also an important source of information and experience for the debates on the setting and revision of standards in which the Governing Body is
engaged at present. I recommend that all delegates read the report with care.

The Committee was established in accordance with article 7 of the Standing Orders of the Conference, with the purpose of examining agenda item 3, information and reports on the application of Conventions and Recommendations.

You will note that our report is in two parts: Part Two is a record of the discussion of all the cases examined by the Committee. The basis for our work was the report of the ILO Committee of Experts — an institution whose independence, objectivity and impartiality we once again applauded. In keeping with the recent tradition, the Committee was honoured with the presence of Sir William Douglas, Chair of the Committee of Experts, during the first days of our work. His participation was a signal of the mutual respect, cooperation and responsibility that exists between two committees with complementary roles.

Our Committee began its deliberations with a discussion of general questions relating to international labour standards — that is, issues of concern to governments, employers and workers both in the ILO’s supervisory procedures and in its overall policy relating to standards, including the setting and revision of standards. The Committee also made observation of great general nature, on the application of particular Conventions relating to forced labour, child labour and employment policy. It was noted that an emerging issue with respect to the Forced Labour Convention, 1930 (No. 29), that of prison labour in the context of privately managed prisons, will be examined in detail by the Committee of Experts next year.

In the second phase of our general discussion, the Committee considered the Committee of Experts’ General Survey on the application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in the context of international labour standards, along with its companion Recommendation No. 152. As usual, the survey was a compilation of information received from governments that have ratified the Convention and those that have not yet done so, as well as a number of comments from employers’ and workers’ organizations. The survey provided an historical background to the fundamental principle of tripartism, explained what Convention No. 144 requires and the various methods by which it may be implemented, and examined difficulties experienced by some governments in ratifying the Convention. We welcomed the ever-increasing number of ratifications of Convention No. 144, and we trust that the General Survey, as well as our discussion, will contribute to promoting the further ratification and application of this priority Convention.

The bulk of the Committee’s work and, indeed, our essential task, was concerned with the examination of individual cases. The Committee is an important forum for dialogue and exchange of views, the purpose of which is to encourage governments to meet their obligations under the ILO Constitution, and to apply fully in both law and practice the Conventions which they have freely ratified.

We began with a half-day discussion of what we call “automatic cases”. These are cases where governments have had difficulties in complying with fundamental reporting obligations under the ILO Constitution, including failure to submit to the competent authorities within the required time frame newly adopted Conventions and Recommendations, failure to supply reports and information on application of ratified Conventions, and failure to supply reports on unratified Conventions and Recommendations. We discuss these cases automatically because without the necessary information and reports, the ILO supervisory mechanism simply cannot function.

In view of the short time available to the Committee, it decided this year to invite only 24 governments to engage in a dialogue concerning their law and practice relating to a particular ratified Convention, with a view to finding a solution to the problems and difficulties identified by the Committee of Experts. Twenty-two of those governments did, in fact, appear before the Committee; the two that did not were not represented at the Conference this year. It was striking how many of these discussions resulted in requests, either initiated by the government, or accepted by the government at the urging of the Committee, for ILO technical assistance. Poverty and other social and economic factors, and sometimes even political factors, can create or exacerbate difficulties, but these cannot excuse the non-application of ratified Conventions; particularly those that are considered fundamental. It is important to note that most governments that engaged in dialogue with the Committee promised to pursue with increased vigour their efforts to bring their law and practice into conformity with ratified Conventions.

As I noted, the details of their dialogue may be found in Part Two of our report. However, I must bring to your attention three cases which the Committee decided should be highlighted in special paragraphs of our general report.

As regards the application by Sudan of the Forced Labour Convention, 1930 (No. 29), paragraph 167 of the report reflects the Committee’s deep concern at continuing reports of abduction and slavery in that country. The Committee noted the positive measures which have been taken by the Government in this regard, and urged it to continue to pursue these efforts vigorously. It further urged the Government to accept an ILO direct contact mission.

Paragraph 168 relates to the application by Cameroon of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Committee deeply regretted that no progress had been achieved. However, it welcomed the Government’s invitation for an ILO mission.

Paragraph 169 of the report indicates the Committee’s continuing concern regarding Venezuela’s application in law and practice of Convention No. 87. These paragraphs demonstrate the Committee’s serious concern, as well as its expectation for continued and open dialogue between the Committee and the countries concerned.

My formative experience in the Conference Committee on the Application of Standards took place during the mid-eighties, at the height of a vicious and long-standing attack on the ILO’s supervisory system. Today the challenges, while different, are no less daunting. So I salute those, both delegates and members of the Office, who collectively ensure that the Committee remains the conscience of the International Labour Organization.

I also salute Ed Hickey, my friend and my mentor, whose tireless and feisty dedication as the United States Worker representative in the Committee was
I will leave to others the task of thanking the many people who made our work productive, interesting and enjoyable. I leave it to the Conference delegates to adopt and to make full use of this report of the Committee on the Application of Standards.

(Mr. Agyei takes the Chair.)

Original German: Mr. WISSKIRCHEN (Employers’ adviser and substitute delegate, Germany; Employer Vice-Chairperson of the Committee on the Application of Standards) — The Conference Committee on the Application of Standards presents its report to you in the 74th year of its existence. The Chairperson of the Committee, Mr. van der Heijden, has already talked about important issues raised in this report. We hope that the report is well received, and we are particularly glad that you are interested in its contents. As is often said, the report does not have to be adopted by the Conference. It has already been adopted by the Committee without any votes against, and according to the Standing Orders of the Conference, it is to be put before you only in the plenary.

I would like to draw your attention to a number of points contained in this rather voluminous report. In the general discussion in our Committee, we always deal with important questions concerning the standard-setting system of the ILO. That is, we look at standard setting, ratification, interpretation and practical application, as well as different elements of the supervisory machinery. These are subjects which are also dealt with in the report of the Committee of Experts, which is therefore always an important basis for discussion in our Conference Committee.

This year, the report of the Committee of Experts contains many innovations, both in its physical appearance and in terms of its structure. These are positive changes and they make the report more user friendly.

Now I would like to turn to the most important questions contained in the report. Although paragraph 13 of the report of the Committee of Experts deals with basic “policy on standards”, there are only four sentences in that paragraph concerned, despite the fact that this whole complex of questions was of central significance in the discussion in the Committee. We believe that the whole future effectiveness of this Organization depends on finding appropriate solutions to these questions. To anticipate the outcome of our discussions, we believe it is a fact that nobody believes that we should continue with the old standard-setting policy that we have pursued over the last few decades. The Employers, however, do not want to leave matters with this rather vague indication. We have, in fact, put forward a whole range of specific proposals.

First of all, we think there are many undeniable arguments in favour of fundamental change of policy. I will note a few of them. A number of Conventions (11) have not entered into force at all. A particularly large number of Conventions have received very few ratifications. This is especially true in respect of Conventions adopted during the last 20 to 25 years. The often-quoted argument concerning the rise in overall number of ratifications does not tell us a great deal, because this rise in overall ratifications is the result of the growing number of member States in the ILO and of the dismantling of large States into several smaller independent States, as well as massive ratification campaigns concerning core Conventions, which no one would call into question.

Another argument in favour of urgent reform of standard-setting policy is the growing number of denunciations, although as you know this is only possible at long intervals. Even more often, we see discreet or silent denunciation by member States. What this means is that member States no longer even bother about compliance with ILO standards. We see this in the critical comments on hundreds of individual cases in the annual reports of the Committee of Experts. Occasionally, the blatant refusal of countries to fulfil their reporting obligations conceals dissatisfaction with the contents of standards. Finally, I must draw your attention to the most recent interim report, adopted by the Governing Body, from the Working Party on Policy regarding the Revision of Standards. Until now, of the total number of 182 Conventions considered there, 76 have been classified as obsolete and only 68 are still considered relevant. This means that even at this stage, more Conventions are seen as outdated than the number which could still be sensibly applied. If we were to review all Conventions, we would possibly find that more than 50 per cent of all Conventions would be in this category of “outdated” or “in need of revision”. Under these circumstances, it is no exaggeration to say that the body of ILO standards is no longer keeping pace with our times.

However, as we know, there is still no possibility of doing away even with completely obsolete standards. A very complicated procedure provided for under the Constitution has not yet entered into force. This means that the standards of this Organization are still made for eternity, which was of course understandable at the beginning of the previous century when the ILO was founded. But 80 years later, in the twenty-first century, this is an almost unique anachronism. We therefore think that it is even more important to try to establish timely and appropriate measures and standards for the future. Of course, in order to do this, very careful analyses have to be carried out, now and in the foreseeable future. Apart from careful sounding out of the intentions of Member States, we also have to take into account major trends in the world. One of these of course is globalization. In this connection, in the discussions in the Committee, emphasis was often placed on the risks of globalization, and less emphasis was placed on opportunities and positive developments connected with globalization. Regardless of this rather unsophisticated across-the-board assessment of globalization, actual developments have shown that there is also an inherent countervailing trend to be taken into account.

We have seen the clear signs of increasing individualization linked with scepticism or even a retreat from a form of collectivization which is too powerful and too all-embracing.

Before enacting new worldwide ILO standards, it is now therefore more important than ever to be sure what new standards should be elaborated, if any. We are firmly convinced that we can only deal with fundamentally important questions in new instruments. Detailed problems which are subject to fast change no longer belong in the body of standards. We must deal with fundamental needs which are of importance both for enterprises and for workers. Instruments must,
This expectation can only be fulfilled if there is a wide-ranging consensus on contents and on the approach to be taken. If such common goals are to be found, then we must agree on the specific steps to be taken and then we must consider the many other possible solutions which exist apart from Conventions.

Generally speaking, we need to have better, more up-to-date instruments. It is therefore also important to take into consideration what we have been advocating for years, that is that there has to be very careful assessment of the legal consequences of an instrument, and it is also essential to have a very accurate assessment of its effects in practice. Therefore, it might be possible to consider the possibility of experimental standards of time-limited validity which would then have to be subject to stringent testing in practice.

We think it goes without saying, when we are considering revision and modernization of the ILO, to examine the procedures concerning representations and complaints which come before the Committee on Freedom of Association. We have seen a considerable increase in the use made of all these procedures. By way of comparison, in the first 40 years of the ILO's existence the Constitution never used was made of the procedure for complaints under article 26. Until the middle of the nineties we had fewer than 20 such procedures pending. In procedures which have hitherto not allowed counter representations by employers' organizations, employers' associations of a country which has come in for criticism should be given an opportunity to state their views so that a complete picture of the situation in the country is obtained.

Our Committee for some years has been discussing employment policy in the context of Convention No. 122, and I would like to draw your attention to the following point: it is not possible for an isolated labour market policy to be successful in the long run. Every social policy should take into account the principle of subsidiarity, and above all, it should provide help for "self-help". There is nothing in trying to extend social security systems to all strata of the population, as the experts have recommended. Applying social benefits too liberally and indiscriminately or too generously, will make inordinate demands on the state. Unfortunately, the number of violations of reporting obligations is growing. Very often we hear that the examination of individual cases. Unfortunately, there is no absolutely convincing and just yardstick which has come in for criticism should be given an opportunity to state their views so that a complete picture of the situation in the country is obtained.

Our Committee for some years has been discussing employment policy in the context of Convention No. 122, and I would like to draw your attention to the following point: it is not possible for an isolated labour market policy to be successful in the long run. Every social policy should take into account the principle of subsidiarity, and above all, it should provide help for "self-help". There is nothing in trying to extend social security systems to all strata of the population, as the experts have recommended. Applying social benefits too liberally and indiscriminately or too generously, will make inordinate demands on the state. Unfortunately, the number of violations of reporting obligations is growing. Very often we hear that the examination of individual cases.

The much praised supervisory system of the ILO begins with the fulfilment of reporting obligations by member States. If they do not report correctly then no verification of the application of standards can take place. Unfortunately, the number of violations of these reporting obligations is growing. Very often we are dealing with the same countries. Perhaps we should consider very carefully whether long-term persistent violations of reporting obligations should not be dealt with on the same footing as the non-payment of contributions to the Organization. That would be a justifiable establishment of parity between material and non-material contributions to this Organization. The most important task of our Committee, taking up most of our time, as the Chairman has already said, is the examination of individual cases. Unfortunately, there is no absolutely convincing and just yardstick for selecting about two dozen cases from the hundreds of comments and observations made by the Experts.

Therefore, we have to regret the fact that we must confine ourselves to a list of about 24 individual cases each year. It really is not acceptable that some of the countries which are invited to discuss their case with us do not appear to carry out such discussions even when they are represented at the Conference.

Usually, individual cases are violations of freedom of association. We have also discussed different forms
of forced labour, discrimination, the late payment of wages, labour inspection, the treatment of indigenous people, and employment policy.

The details of these discussions are very accurately recorded in the second part of the report of the Committee which you have before you. We would recommend that you pay particular attention to this part of our report. We had to place three countries, as the Chairman has already said, in a special paragraph in the general part of our report. We were dealing here with serious deviations from ratified Conventions. These are the cases of Comoros and Venezuela concerning Convention No. 87, and Sudan in connection with Convention No. 29.

In addition to this, we had interesting discussions about the question of the appropriate promotion of voluntary collective bargaining, as well as the application of Convention No. 29 on the prohibition of forced labour, in connection with the privatization of work performed by prisoners. On this particular point, I would like to draw your attention to three aspects. First of all, prisoners can be obliged to work under the supervision and control of the authorities. Next, there is a prohibition in the Convention from hiring out prisoners to private companies, but this prohibition cannot apply to private prisons as they are today, because when the Convention was drawn up in 1930 such prisons did not yet exist. And thirdly, from all points of view, it does seem sensible, or even necessary, to employ prisoners in useful work. Such employment should only, however, be carried out in very close cooperation with private enterprises.

To conclude, we recommend the whole report of the Committee to you. This year, we continued our very good cooperation with the Workers' group and their new spokesperson, Mr. Luc Cortebeeck. We would like to thank Mr. Zenger and his whole team for the very good work they have done, and we had an excellent Chairperson, Mr. Van der Heijden, who led the Committee very skilfully through the considerable volume of work before us. I would also like to thank the Reporter, although she is not with us today. Thank you too to the Employers' group for their trust in me, the trust they have been placing in me for the last 18 years. And lastly, I wish to thank Mr. Potter, Ms. Roiland, Mr. Lamprecht and Mr. Yuren for their very special support.

(The Conference adjourned at 1 p.m.)
Vote final par appel nominal sur la Convention sur la protection de la maternité, 2000

Final Record vote on the Maternity Protection Convention, 2000

Votación nominal final relativa al Convenio sobre la Protección de la Maternidad, 2000

Pour/For/En Pro: 304
Contre/Against/En contra: 22
Abstentions/Abstentions/Abstenciones: 116
Quorum: 267

Pour/For/En Pro: 304

Bangladesh
KHAN, Mr. (T/W)

Barbade/Barbados
LOWE, Ms. (G)

Bélarus/Belarus/Belarús
KOPOT, Mr. (G)

Belgique/Belgium/Bélgica
PEIRENS, M. (G)

Béni/Benin
ONI, M. (G)

Botswana
SEBELE, Mr. (G)

Bresil/Brazil/Brasili
MACHADO, Mr. (G)

Bulgarie/Bulgaria
KRASTEVA, Ms. (G)

Burkina Faso
SOULAMA, M. (G)

Albanie/Albania
BENDO, Mr. (G)

Algérie/Algeria/Argelia
MESSAOUI, M. (G)

Allemande/Germany/Alemania
WILLERS, Mr. (G)

Allemagne/Germany/Alemania
KLOTZ, Mr. (G)

Angola
LUSSOKE, M. (G)

Arabie saoudite/Saudi Arabia/Arabia Saudita
AL-MANSOUR, Mr. (G)

Australie/Australia
DREVER, Mr. (G)

Australie/Australia
STEWART, Mr. (G)

Australie/Australia
MATHESON, Mr. (T/W)

Austria/Austria
MELAS, Mr. (G)

Austria/Austria
DEMBSHER, Ms. (G)

Bahamas
SYMONETTE, Mr. (G)

Bahreïn/Bahrain/Bahrein
ALSHAHABI, Mr. (G)

Burundi
NDUWAYO, M. (G)

Cambodge/Cambodia/Camboya
THACH, Mr. (G)

Cameroun/Cameroon/Camerin
NGOUBEYOU, M. (G)

Canada/Canadá
ROBINSON, Ms. (G)

Chine/China
Li, Mr. (G)

Chypre/Cyprus/Chipre
EFTECHIOU, Mr. (G)

Colombie/Colombia
FAJARDO ABRIL, Sr. (T/W)

Congo
MENDOM, M. (G)

Etats-Unis d'Amérique/United States of America/Estados Unidos de América
ROBINSON, Ms. (G)

Espagne/Spain/Spain
PARROT, Mr. (T/W)

France/France/ Francia
ROBIN, Ms. (G)

Ghana/Ghana/Ghana
LARUE, Ms. (G)

Guinée/Guinea/Guinea
GINGO, Mr. (T/W)

Haïti/Haiti/Haití
LÉGER, Mr. (G)

Hong Kong/Hong Kong/Hong Kong
LO, Mr. (G)

Honduras/Honduras/Honduras
MARTINEZ, Mr. (G)

Indiens/Indians/Indios
RAMADEV, Ms. (E)

Indonésie/Indonesia/Indonesia
SANTOS, Ms. (G)

Irlande/Ireland/Irlanda
OSTER, Mr. (G)

Iran/Iran/Irán
BAHRELLE, Ms. (G)

Israël/Israel/Israel
HATZIR, Mr. (G)

Italie/Italy/Italia
SERRA, Mr. (T/W)

Japon/Japan/Japón
MINATO, Mr. (T/W)

Kenya/Kenya/Kenia
NCHOBOK, Mr. (G)

Korea/South Korea-Corea del Sur
QUADANGNO, Mr. (G)

Koweït/Kuwait/Kuwait
ABBAS, Mr. (G)

Laos/Laos/Laos
BANGPHONGPOONG, Ms. (G)

Lettonie/Latvia/Letonia
TINGUARD, Mr. (G)

Lithuanie/Lithuania/Lituania
KOSS, Mr. (G)

Liban/Libano/Líbano
NERI, Mr. (G)

Libye/Libya/Libia
ABUQIR, Mr. (G)

Luxembourg/Luxembourg/Luxemburgo
MANTSCHER, Ms. (G)

Macau/Macao/Macao
LI, Mr. (G)

Maroc/Morocco/Morocco
ALHARKI, Mr. (G)

Mexique/Mexico/México
GOMEZ, Mr. (T/W)

Mexique/Mexico/México
LÓPEZ, Mr. (T/W)

Namibie/Namibia/Namibie
BRUGGE, Mr. (T/W)

Népal/Nepal/Nepal
DE MARECHAL, Ms. (E)

Nigeria/Nigeria/Nigeria
TAKA, Mr. (G)

Papouasie-Papua/New Guinea/Papúa-Nueva Guinea
ALI, Mr. (T/W)

Pérou/Peru/Perú
SANCHEZ, Mr. (T/W)

Philippines/Philippines/Filipinas
TAN, Mr. (G)

Portugal/Portugal/Portugal
PINTO, Mr. (G)

Russie/Russia/Rusia
SREBNIKOV, Mr. (T/W)

Sénégal/Senegal/Senegal
RHADCIOU, Mr. (G)

Serbie/Serbia/Serbia
MUSIPO, Mr. (T/W)

Seychelles/Seychelles/Seychelles
LOPES, Mr. (G)

Sénégal/Senegal/Senegal
RHADCIOU, Mr. (G)

Slovaquie/Slovakia/Slovacia
KOLLEN, Mr. (G)

Slovénie/Slovenia/Slovacia
NIKOLIC, Mr. (G)

Somalie/Somalia/Somalia
ABDULLAH, Mr. (G)

Espagne/Spain/Spain
SERRA, Mr. (T/W)

Sténographie/Stenography/Stenografía
STEHANOFF, Mr. (G)

Sudan/Sudan/Sudán
AL-SHANSAI, Mr. (G)

Suisse/Switzerland/Suiza
GUARDIOLA, Mr. (G)

Taiwan/Taiwan/Taiwán
LI, Mr. (G)

Thaïlande/Thailand/Thailand
MUANGSAK, Mr. (G)

Trinidad et Tobago/Turbaco/Turquía del Sur
SAKIR, Mr. (G)

Ukraine/Ukraine/Ucrania
SHURJAN, Ms. (G)

Uruguay/Uruguay/Uruguay
GARCÍA, Mr. (T/W)

Vietnam/Vietnam/Vietnam
HUYNH, Mr. (T/W)

Mexique/Mexico/México
LÓPEZ, Mr. (T/W)

Zimbabwe/Zimbabwe/Zimbabwe
ROBERTS, Mr. (G)
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**Abstentions/Abstenciones: 116**

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Contre/Against/En contra: 22
Vote final par appel nominal sur la Recommandation sur la protection de la maternité, 2000

Final record vote on the Maternity Protection Recommendation, 2000

Votación nominal final relativa al Recomendación sobre la Protección de la Maternidad, 2000

Pour/For/En Pro: 315
Contre/Against/En contra: 16
Abstentions/Abstentions/Abstenciones: 108
Quorum: 267

Pour/For/En Pro: 315
Barbade/Barbados
LOWE, Ms. (G)
SIMMONS, Mr. (G)
TROTMAN, Mr.(T/W)

Afrique du Sud/South Africa/Sudáfrica
PATEL, Mr.(T/W)

Algérie/Algeria/Argelia
MESSAOUI, M. (G)
BENBOUZID, M. (G)
MALKI, M.(T/W)

Allemagne/Germany/Alemania
WILLERS, Mr. (G)
KLOTZ, Mr. (G)
ENGELEN-KEFER, Ms.(T/W)

Angola
LUSSOKE, M. (G)

Arabie saoudite/Saudi Arabia/Arabia Saudita
AL-MANSOUR, Mr. (G)
ALHADLAQ, Mr. (G)
AL-HAJRI, Mr.(T/W)

Australie/Australia
DREVER, Mr. (G)
STEWART, Mr. (G)

Autriche/Austria
MELAS, Mr. (G)
DEMBSHER, Ms. (G)
DJALINOUS, Ms.(T/W)

Bahamas
SYMONEETTE, Mr. (G)
DEAN, Mr. (G)
DORSETT, Ms.(T/W)

Bahreïn/Bahrain/Bahrein
ALSHAHABI, Mr. (G)
DITO, Mr. (G)
ABDUL HUSSAIN ABDULLA, Mr.(T/W)

Bangladesh
KHAN, Mr.(T/W)

Burkina Faso
SOULAMA, M. (G)
SAWADOGO, M. (G)
KABORE, M. (E)

Burundi
NDUWAYO, M. (G)
NIYONGABO, M.(T/W)

Cambodge/Cambodia/Camboya
THACH, Mr. (G)
KEO, Mr. (G)
ROS, Mr.(T/W)

Cameroun/Cameroon/Camerín
NGOUBEYOU, M. (G)

Canada/Canadá
ROBINSON, Ms. (G)
PERLIN, Ms. (G)
PARROT, Mr.(T/W)

Cap-Vert/Cape Verde/Cabo Verde
SPENCER, Mme (G)
CARDOSO, Mme (G)

Chili/Chile
LAZO GRANDI, Sr. (G)
VEGA PATRI, Sr. (G)
MORAGA CONTRERAS, Sr.(T/W)

Chine/China
LI, Mr. (G)
LI, Mr. (G)
QU, Ms. (E)
XU, Mr.(T/W)

Chypre/Cyprus/Chipre
EFTYCHIOU, Mr. (G)
SAMUEL, Ms. (G)
KITTENIS, Mr.(T/W)

Colombie/Colombia
FAJARDO ABRIL, Sr.(T/W)
Abstentions/Abstenciones: 108

Afrique du Sud/South Africa/Sudáfrica
LUSENGA, Ms. (G)

Allemagne/Germany/Alemania
HESS, Mr. (E)

Argentine/Argentina
FUNES DE RIOJA, Sr. (E)

Autriche/Austria
ARBESSER-RASTBURG, Mr. (E)

Bahamas
ARNETT, Mr. (E)

Bangladesh
ISLAM, Mr. (G)

Bolivie/Bolivia
AVILA SEIFERT, Sra. (G)

Bulgarie/Bulgaria
SIMEONOV, Mr. (E)

Burundi
NZISABIRA, M. (E)

Canada/Canadá
LAWSON, Mr. (E)

Cap-Vert/Cape Verde/Cabo Verde
LOPES, M. (E)

Chili/Chile
ARTHUR ERRAZURIZ, Sr. (E)

Colombie/Colombia
RIAÑO BARON, Sra. (G)

Costa Rica
PENROD, Sr. (G)

Croatie/Croatia/Croacia
HORVATIC, Ms. (E)

Égypte/Egypt/Egipto
ABOULNAGA, Ms. (G)

Équateur/Ecuador
VALENCA, Sr. (G)

Espagne/Spain/Esponja
FERRER DUFOL, Sr. (E)

États-Unis/United States/Estados Unidos
MOOREHEAD, Mr. (E)

Espagne/Spain/Esponja
FERRER DUFOL, Sr. (E)

Estonie/Estonia
PAARENDSON, Ms. (E)

France/Francia
BOISSON, M. (E)

Kenya/Quenya
NASCIMBENE DE DUMONT, Sra. (G)

Kenya/Quenya
NASCIMBENE DE DUMONT, Sra. (G)

Kirgistan/Kirgisia/Kirguistán
FUNES DE RIOJA, Sr. (E)

Korea/República de Corea
CHO, Mr. (E)

Kroatie/Kroatia/Croacia
HORVATIC, Ms. (E)

Kuba/Cuba/Cuba
NOAKES, Mr. (E)

Namibie/Namibia/Namíbia
C. (E)

Népal/Nepal/Nepalí
AL-ASSAR, Mr. (G)

Pakistan/Pakistán/Pakistan
AL-ASSAR, Mr. (G)

Perú/Perú/Perú
NOAKES, Mr. (E)

République dominicaine/Dominican Republic/República Dominicana
REYES UREÑA, Sr. (G)

Sénégal/Senegal/Senegalí
LUSENGA, Ms. (G)

Somalia/Somalia/Somalia
THULLEN, Sr. (G)

Sudáfrica/South Africa/Afrique du Sud
LUENGO, Ms. (G)

Suède/Suecia/Suecia
HORSTEN, Mr. (E)

Suisse/Switzerland/Suiza
FERRER DUFOL, Sr. (E)

Syrie/Siria/Siri
ECKERT, Mr. (G)

Tanzanie/Tanzania/Tanzania
LUSENGA, Ms. (G)

Thaïlande/Thailand/Tailandia
PAYAKANIT, Ms. (G)

Turquie/Turkey/Turquía
DAVUTOGLU, Mr. (G)

Venezuela/México/Venezuela
RAMIREZ LEON, Sr. (T/W)

Zambie/Zambia/Zambia
AL-KOHLANI, Mr. (T/W)

Zimbabwe/Zimbabwe/Zimbabwe
DZVITI, Mr. (G)

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ABDEL HADI, Ms. (T/W)

Guatemala
PINZON SALAZAR, Sr. (T/W)

Honduras
SALINAS ELVIR, Sr. (T/W)

Panama/Panamá
MENDEZ, Sr. (T/W)

Tunisie/Tunisia/Túnez
TRABELSI, M. (T/W)

Abstentions/Abstentions/ Abstenciones: 2

Bahamas
ARNETT, Mr. (E)

Madagascar
RAHAINGO, M. (T/W)
Twenty-third sitting
Thursday, 15 June 2000, 3.15 p.m.

President: Mr. Flamarique

REPORT OF THE COMMITTEE ON THE APPLICATION OF STANDARDS: DISCUSSION (cont. and concl.) AND ADOPTION

Original Spanish: The PRESIDENT — This afternoon we will continue with our examination of the report of the Committee on the Application of Standards. I give the floor to Mr. Cortebeeck, Worker Vice-Chairperson of the Committee on the Application of Standards.

Original French: Mr. CORTEBEECK (Workers' delegate, Belgium; Worker Vice-Chairperson of the Committee on the Application of Standards) — I have the honour of presenting to you the report of our Committee as spokesperson of the Workers' group. The report shows that we have had good discussions, not only on the development of international standards in general but also on the effective application of these standards in law and in practice.

As you know, and as the Committee of Experts says in its report, the Committee on the Application of Standards and has slightly different working methods from those of the so-called technical committees of the Conference. Our Committee's essential role is to supervise the effective application, in both law and practice, of international labour standards by countries that have ratified them. We have noted, once again, that this supervision is not only necessary but a prerequisite to guarantee a social framework for the world economy and the credibility of the ILO. Social globalization, of which the ILO is the precursor, is for us the essential corollary of economic globalization. Our Committee is the guarantor that this social globalization is implemented through appropriate instruments, that is tripartism and the universality of the ILO and its instruments.

The strengths of the ILO and its supervisory machinery lie in its open, frank and democratic discussion between the Workers' and Employers' groups and the Governments. Dialogue between the social partners and with governments, based on the principles of freedom of association, the right to collective bargaining and tripartism, should provide a social dimension to the economy at all levels, both at national, regional and global levels. The fruits of this dialogue should benefit all people everywhere, whatever their status, whether they are working men and women, unemployed, disabled, retired, and irrespective of the sector they are active in, including the formal sector.

If we were able to have such a dialogue, this was largely due to the General Report and the observations provided to our Committee by the Committee of Experts, which once again has done excellent work and has produced a report with a slightly updated form, though without losing its depth and its integrity.

We stress the importance of the complementarity between the tripartite Committee on the Application of Standards, on the one hand, and the Committee of Experts on the other. The legal and objective analysis provided by the independent experts is the basis of the ILO's supervisory system. The comments of the experts serve as a basis for the discussions of our Committee which in turn focuses on analyses, positions and testimonies of people who are closer to the grass roots.

We have expressed our appreciation to the Committee of Experts which took the initiative of inviting the Workers' and Employers' spokespersons to its November meeting, and to its President, Sir William Douglas, who attended our tripartite Committee. We believe these opportunities to be very important because they are an occasion to get together and to exchange our reciprocal preoccupations and concerns.

The first part of our work this year as every year, concerned the discussion of the Committee of Experts' General Report. As part of this discussion, we talked about the future of the ILO's standard-setting system. The statements made by the Employers to the effect that the complexity of the world does not allow new universal standards and that we should confine ourselves to framework Conventions disappointed us, and we firmly opposed that view. This was for two fundamental reasons. For one thing, the ILO, particularly in June 1998, found a universal consensus once again on social development, with the adoption of the Declaration on Fundamental Principles and Rights at Work. This universal consensus shows how, in all countries in the world, social regulation is a necessity. For another thing, it shows that this social consensus is a tripartite one, which means that on both sides we share not only the benefits but also the constraints.

We might dream about a world without social regulation, of a global economy guided by the invisible hand of Adam Smith, but we have to make a choice — either we assert in good faith the benefits of globalization, or we advocate the elimination of universal standards. We cannot do both. Workers' organizations are not against globalization, but they are against unbridled globalization based only on economic criteria. Economic globalization must go hand in hand with social globalization. For us, social globalization is a treasured heritage that has been developed on the basis of the ILO's principles, Conventions, Recommendations and supervisory system, of which we in the Committee on the Application of Standards are the custodians.
Another subject that we discussed during the general part of the discussion concerned the importance of ILO standards for other international organizations such as the WTO, the IMF and the World Bank. Indeed, the Workers' group considers that fundamental labour standards should, as a whole, be part and parcel of the working and the programmes of these organizations.

In the framework of the general discussion, we also had an interesting debate on the application of a number of specific Conventions. For a number of years now, in the discussion on individual cases, the Committee has dealt with the application of the Forced Labour Convention, 1930 (No. 29), in connection with prisons, and we noted with interest that the Committee of Experts will examine the question of prisoners hired out or made available to individuals, companies or private entities. We will find the results of this examination in its next report which will enable us to come back to the subject.

We also stressed the importance of the Conventions concerning child labour. We welcomed the fact that 28 member States have already ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), which is an important step forward towards totally abolishing child labour. Important tools in this struggle are the Statistical Information and Monitoring Programme on Child Labour (SIMPOC) and the Labour Inspection Convention, 1947 (No. 81).

The last Convention on which we had a general discussion was the Employment Policy Convention, 1964 (No. 122). We recalled that this Convention is a priority Convention because employment policy is one of the cornerstones of a sound political and economic policy.

The second part of our work was devoted to a discussion of the General Survey. The Committee of Experts had produced an excellent General Survey on the application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The survey dealt with all aspects of Convention No. 144 and of Recommendation No. 152, which gives us a general overview of how the principles of tripartism are applied, both in countries who have ratified the Convention and in those who have not or have not yet ratified it.

The discussion on this General Survey was very rich in content, which will surprise no one, as tripartism is a lynchpin of our social system both at the ILO and in our countries. For us a fundamental aspect of the discussion was the intrinsic link between the fundamental Conventions, on the one hand, and the priority and technical Conventions on the other. In addition to reflecting universal values, as do the Conventions referred to in the Declaration, these so-called priority Conventions also provide us with a working method. They are the tools which enable us together to build coherent standards, and they indicate how we can apply them to best effect. These same Conventions also enable us to set up an efficient supervisory system. A case in point is the Labour Inspection Convention, 1947 (No. 81), which the experts have often said plays a fundamental role in ascertaining any specific problems which might arise in the field. The priority Conventions and the fundamental Conventions are thus inextricably linked. Ratifying a Convention without social dialogue is a contradiction in terms.

One of the essential points in our discussions of the General Survey concerned the right to freedom of association. The Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), provides that organizations that take part in tripartite consultations must enjoy freedom of association. The discussions on the effective application at national level as part of the examination of the so-called individual cases have shown that freedom of association is certainly not afforded to all workers and that serious breaches of this right occur every day. Clearly, the Workers' group deplores such a situation and insists that this right be recognized in practice as it has been recognized in verbal statements over the years.

Representativeness is another prerequisite for participation in tripartite consultations. It is necessary to have guarantees that the representatives of workers do indeed represent workers and preferably a large number of them. The Workers' group stressed that there must be clear and precise criteria on this at the national level. Such criteria are essential not only for the application of Convention No. 144, but also to determine which organizations should participate in social dialogue at all levels and on all subjects relating to employment and work in the broadest sense.

The third part of our work is devoted to consideration of individual cases. This year, our discussions covered the nine following Conventions: the Forced Labour Convention, 1930 (No. 29), in India, the United Kingdom and Sudan; the Labour Inspection Convention, 1947 (No. 81), in Mauritania; the Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No. 87), in Cameroon, Colombia, Djibouti, Ethiopia, Guatemala, Kuwait, Swaziland and Venezuela; the Protection of Wages Convention, 1949 (No. 95), in Ukraine; the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in Australia, Panama, Saint Lucia and Turkey; the Abolition of Forced Labour Convention, 1957 (No. 105), in Pakistan and the United Republic of Tanzania; the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in Afghanistan, Brazil and the Islamic Republic of Iran; the Employment Policy Convention, 1964 (No. 122), in Hungary; and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), in Mexico.

This list therefore contained 24 cases. However, we were unable to discuss the cases of Afghanistan for the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), or Saint Lucia for the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), because no representatives of those Governments attended our Committee, which is much to be regretted.

Owing to lack of time, our Committee was unable to deal with all the cases that warranted an examination. Choosing priority cases for tripartite discussion is always a very difficult exercise, given the large number of problems of application in all regions of the world and also the time constraints on the Committee for examining individual cases.

Paragraph 7 of the report gives explanations for the criteria used for making this difficult choice. The Workers' group appreciated the initiative of discussing the so-called automatic cases on Monday of the second week. This enabled us to save time. We will think about other possibilities to further improve and accelerate the work of our Committee at the beginning of the second week, when discussion of individual cases begins. We have asked to look at the possibility of inviting the governments concerned for those
cases for which there are footnotes to register as a priority and we have also asked to have the list approved earlier — in other words, on the Tuesday or Wednesday of the first week. This would facilitate the registration of cases by Government representatives who hesitate to talk about their cases early on in the week, and enough of the texts are available long ahead of the Conference.

I should also like to draw your attention to paragraph 8 of the report, which lists eight cases that our Committee was unable to discuss for a number of reasons, and because a choice has to be made — the Workers' group will come back to those cases next year if no real progress has been made.

Indonesia, in regard to Convention No. 98, is the first of these. We find it particularly worrying that there are acts of anti-trade union discrimination and military intervention in labour disputes and anti-subversive legislation. We note with interest that the Government is preparing laws for the purpose of bringing legislation into line with Conventions Nos. 87 and 98 and we hope that these new regulations will really have the effect desired.

The second case we would like to come back to concerns the application of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), in Chile. Chile has adopted a private old-age insurance system, whereas the amount of the debt for social security remains very high. We will undoubtedly come back to this case if the comments of the Committee of Experts show that there has been no improvement in the situation. Old-age insurance is one of the major social security safety nets to ensure a dignified life to all those who are no longer in a position to work.

The application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by Pakistan is another case on which the Workers' group would have liked to have had a discussion with the Government.

In Pakistan, certain categories of workers are excluded from freedom of association on the basis of their workplace or of their function, which is clearly in breach of Convention No. 87, which fully guarantees trade union rights to all workers without distinction whatsoever.

The fourth case concerns Peru in regard to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The criteria that the Peruvian Government uses to decide whether a trade union can conclude collective agreements are much too strict. Another problem of non-observance of Convention No. 98 consists of legislation which provides that an employer may unilaterally change the content of collective agreements.

The Committee of Experts has asked the Government to submit a detailed report in the year 2000 and we shall examine it with much interest. The Workers' group also wishes to come back to the case of Costa Rica concerning anti-union discrimination and the denial of collective bargaining to public servants which clearly contradicts Convention No. 98.

As regards the application of the Equal Remuneration Convention, 1951 (No. 100), in Japan, we have learnt that new laws concerning equality have been promulgated only a few months ago. We are prepared to wait and see how the situation develops in the hope that the Committee of Experts will be able to note progress in its next Report.

The seventh case concerns Kenya and Convention No. 98. The Workers' group is closely monitoring the right to collective bargaining of public servants and the Government's refusal to register a number of trade union organizations.

My next point concerns cases which we have discussed, but which have proved to be so serious that the Committee has decided to put them in a special paragraph. These are Sudan, for Convention No. 29, Venezuela, for Convention No. 87, and Cameroon, also for Convention No. 87.

The breaches of Convention No. 29 by Sudan examined by the Committee of Experts concern practices of abduction and trafficking of women and children, subjection to slavery and the forced enrolment of children in rebel armed forces. Since the Committee has had to note that, apart from a few tentative initiatives, real progress has still not been made by the Government of Sudan in the abolition of forced labour and slavery, the conclusion of this case has therefore been put in a special paragraph, which you will find in paragraph 167 of the report.

As regards the application of Convention No. 87 in Venezuela, the Committee has had to note that no progress has been made on issues on which the Committee of Experts has been commenting for many years. On the contrary, we have had to note that the change of government seems to have aggravated the situation through the adoption of new decrees which in fact run counter to the desired objective regarding the alignment of national law and practice with Convention No. 87. Nor can we hide our concern at the recent threats against the trade union movement, expressed openly by high-placed government officials. All this has brought us to mention Venezuela in paragraph 169 of our report.

Concerning Convention No. 87 once again, we have noted that Cameroon has refused for many years to align its legislation with the terms of the Convention. This ongoing failure to act has obliged us to put our conclusions in paragraph 168 of our report.

We also had in-depth discussions on the other cases, for which I would refer you to the report. We managed to reach a consensus for most of our conclusions, particularly with regard to the special paragraphs, whose purpose, in our view, is to underline the gravity of the case and the lack of cooperation and political will shown by the government in question. We regret, however, that we were not able to reach a consensus on the case of Colombia. It is regrettable that this extremely serious case, which concerns the fundamental rights of workers, has not been taken up in a special paragraph. Persistent murders of trade union members — we believe — deserve priority attention by the ILO. What is at stake here is the life and death of approximately 120 workers per year, one-quarter of whom are trade union leaders, and this is something that has occurred systematically for over ten years now.

In conclusion, I should like to express my thanks to a number of people. First, I should like to extend my thanks to Mr. van der Heijden, the Chairperson of our Committee, for the way in which he guided our work. He led us through discussions which were not always easy, consistently respecting the right to speak of all members of the Committee who wished to make a constructive contribution to the debate.

Our thanks also go to our Reporter, Ms. Misner, Government member of the United States. We also
thank the Chairperson of the Committee of Experts, Sir William Douglas, for having attended our discussion of the General Report and the General Survey. I should also like to thank Mr. Potter, who presented some of the cases — Tom Etty and Phil Fishman.

The thoughts of our Committee also turned to Ed Hickey, who died a few months ago. Ed Hickey was a respected member of the Workers' group in our Committee for many years. His work was greatly appreciated.

Our report was approved unanimously by the Committee, and I would ask the Conference to do likewise.

Original Spanish: The PRESIDENT — I will now open the general discussion on the report of the Committee on the Application of Standards.

Original French: Mr. TSHIISUAKA KABANDA (Government delegate, Democratic Republic of the Congo) — The Government delegation of the Democratic Republic would like to thank you for giving it the floor.

At this precise time, we would also like to extend our thanks to the Committee on the Application of Standards for the quality of the report it has produced and the noble role it has played within the framework of the supervisory and follow-up machinery for the application of Conventions adopted by our Organization.

The purpose of our intervention is to correct paragraph 179 of the French text of the Committee's report, which is contained in Provisional Record No. 25. In that paragraph, the Democratic Republic of the Congo is considered as not having been represented at the Conference. We would like to correct this and confirm that the Government of National Salvation of the Democratic Republic of the Congo is represented by a tripartite delegation.

However, it should be noted that because of difficulties mainly arising from the war of aggression being waged against our country, the Government delegation of the Democratic Republic of the Congo did not receive authorization to leave the country in sufficient time to participate in the work of the Conference.

This explains the absence of a Government delegate from the work of the Committee on the Application of Standards.

Having said that, we would ask it to be put on record that the Government of the Democratic Republic of Congo was in fact duly represented tonight at the 88th Session of the International Labour Conference. Furthermore, our delegation would like to confirm the commitment of the Government of National Salvation of the Democratic Republic of Congo to meet its constitutional obligations in its capacity as a Member of the ILO.

Original Spanish: The PRESIDENT — If there are no further delegates who wish to speak, we will now proceed to the adoption of the report of the Committee on the Application of Standards. The Conference has to adopt this report as a whole.

If there are no objections, may I take it that the report of the Committee on the Application of Standards is adopted.

(The report is adopted.)

Original Spanish: The PRESIDENT — We must thank the Committee for its excellent work.

Closing Speeches

Original Spanish: The PRESIDENT — We shall now move on to the final item on the agenda of the Conference, the closing speeches.

Ms. BAUER (Government delegate, Slovakia; Government Vice-President of the Conference) — It has been a big honour and pleasure for me to serve among the Officers of the 88th Session of the International Labour Conference in these challenging times — at the turn of the century, the millennium, facing the new phenomenon of globalization, the revolution in information and communication technologies on the one hand, and extreme poverty, the spread of new diseases, and particularly HIV/AIDS, and the violation of human rights and ILO standards on the other hand.

I highly appreciate the way this Conference approached the new challenges and the frankness and openness of the discussion. It was indeed a great honour for me to have an opportunity to facilitate it. It was impressive to witness the effort to find new harmony between human rights and economic performance. I am convinced that the ILO and the next sessions of the Conference will continue on the path of finding balance between justice, human dignity and economic prosperity.

I highly appreciate the adoption of the Convention concerning the revision of maternity protection. I am convinced that it was an appropriate step in the standard-setting activities of the ILO, guaranteeing more protection for women, and its impact will contribute to creating equal opportunities in the world of work.

I would like to thank the President of the Conference, the Director-General, my colleague Vice-Presidents, the Clerk and the staff of the Conference for their outstanding cooperation. I would like to congratulate the Director-General and his staff on the perfect organization of the work, and the success of this session. I wish all of you every success in your efforts to find proper answers to the new challenges.

Mr. MOORHEAD (Employers' delegate, United States; Employer Vice-President of the Conference) — After we practise this and perfect it, we are going to take this show on the road!
Thank you, Mr. President. For someone who has spent a large part of his career engaged on the management side of international human resources, there can be no greater honour than to be elected as one of the a Vice-Presidents of the annual Conference of the International Labour Organization.

I am particularly grateful to the Employers’ group of the Conference, which selected me for this honour and which enabled me to serve on this podium. This has been a historic Conference for many reasons, but there are four which stand out.

First, it is the first Conference of the twenty-first century; second, it is the first Conference to vote the withdrawal of previously adopted Conventions; third, it is the first Conference to have presented to it the follow-up to the Declaration on Fundamental Principles and Rights at Work, and the first to have a discussion on the follow-up; and fourth, it is the first Conference to consider action against a member State under article 33 of the Constitution.

I would like to expand on two of the “firsts”. By approving the withdrawal of five Conventions, which were adopted in the 1930s, but never came into force, the Conference finally recognizes that the economic and political climate of today is vastly different from that when the standards were adopted. Rapid paced change and global competition are here to stay. The ability of workers and employers to play a central role in the political and economic life of our countries, requires economic growth, productive employment and job creation. The emphasis of the ILO should be on refocusing existing standards to meet contemporary realities. It is time for the ILO to place its primary emphasis on the technical cooperation, education and training, that assists member States, workers and employers, to develop the necessary infrastructure and tools to compete, and succeed, in the global economy.

The historic first debate on the Global Report follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work, demonstrated that the ILO is the leading organization on fundamental workplace human rights issues in the global economy. The debate also showed the need to improve the follow-up procedures to better target ILO technical cooperation programmes.

Finally, I would like to express my thanks and appreciation to you, Mr. President, for guiding us so well and skillfully during this 88th Session of the Conference. I would also like to thank my fellow Vice-Presidents, Ms. Bauer of Slovakia, and Mr. Agyei of Ghana, for the ease and collegial way within which we worked together in fulfilling our duties; we came together as strangers and part as friends.

My thanks also to the Director-General, the Clerk of the Conference, the secretariat and the protocol staffs, as well as the interpreters and everyone else, who made performing this work so enjoyable.

Mr. Agyei (Workers’ delegate, Ghana; Worker Vice-President of the Conference) — It has been a great honour for me to serve as Vice-President of this session of the Conference, and I want to start this brief statement by thanking, first of all, my sisters and brothers from the Workers’ group for this privilege and their confidence. I have been coming to this Conference since 1985, and consider this an honourable climax to the years I have been participating in the work of the International Labour Conference.

In relation to the important work done this year, I wish first of all to highlight the first Global Report, issued under the follow-up to the Declaration on Fundamental Principles and Rights at Work. The Report addresses the important issue of observance by the ILO member States of Conventions on freedom of association and collective bargaining and provides a comprehensive picture of the level of violations of these standards around the world.

This publication has shown the potential of the Declaration to become a fundamental plank in the regulation of the global economy and assurance of respect for workers’ rights worldwide. As Chairperson Lord Brett said during that debate, and I quote: “The Workers’ group expects government and employers’ organizations to demonstrate that they were serious in the undertaking they gave in 1998 by now making a strong contribution to ensuring the full respect of freedom of association and the right to collective bargaining”. I think this captures the totality of the Workers’ position on this Declaration.

I also want to highlight the historic decision taken by the Conference to adopt a resolution which involves article 33 of the ILO Constitution against the Government of Burma because of the Government’s failure to comply with the recommendations of the Commission of Inquiry. By adopting a compromise resolution this assembly has enhanced the credibility of the Organization. The Workers’ group hopes that the Burmese authorities will indeed take advantage of the additional time given to them, that is, up to the end of November 2000, to fully comply with the recommendations of the Commission of Inquiry, concerning the eradication of forced labour in the country, that it will adopt punitive and measures against anyone who makes use of forced labour.

I also want to outline the important work of the Committee on the Application of Standards, which impacts most on the lives of workers. The special paragraphs on the situation in Venezuela, Cameroon and Sudan, should persuade not only these Governments but, indeed, all governments to make real progress in fulfilling their obligation to ensure compliance with international labour standards.

Regarding standard setting, I want to emphasize that the Workers’ groups strongly support the revised text of the maternity protection Convention, which has been designed to strengthen protection of women workers. Important areas of improvement of the new texts include the broadening of the scope of the Convention; the need for health protection; extension of maternity leave; and measures to ensure that maternity cannot be used as a source of discrimination. The adoption of this Convention is not only a vindication of those who chose the path of seeking improvements in the protection of women at the workplace, it also sends a strong and clear message to those who want to put a brake on standard setting in this Organization. My congratulations to all those who worked tirelessly for the adoption of this Convention.

On HIV/AIDS as a worker coming from an African country, I am particularly pleased that the Resolutions Committee adopted a resolution on HIV/AIDS which will provide the Organization with a tool to start addressing the challenges presented by this pandemic. The perspective of this resolution reflects that of the ILO, namely, that the spread of HIV/AIDS can be prevented through collaboration between employers’ and workers’ organizations, especially in the
workplace, and that HIV/AIDS threatens decent work in an all encompassing manner. The resolution must now be translated into practical ideas to be acted upon at the workplace level.

I am also particularly happy to comment on the excellent outcome of the deliberations of the Committee on Human Resources, Training and Development, which, as stated in the adoption conclusions, has tackled "a critical challenge to attain full employment and sustained economic growth". I would like to recall a few major areas addressed by the conclusions. Firstly, human resources training and development are fundamental and should be part of a comprehensive macroeconomic policy. Secondly, education and lifelong learning are important for employability and for society as a whole, especially to prevent and combat social exclusion and discrimination. And finally, that training can be one of the instruments to address the challenges posed by the informal sector, in transforming it into decent work which is fully integrated into mainstream economic life.

I welcome the news that after a slow start the Committee on Safety and Health in Agriculture was able to adopt very useful conclusions, which we are confident should lead to a new Convention supported by a Recommendation. When the Governing Body decided to include this item on the agenda of the 88th Session of the International Labour Conference, it did so recognizing that special attention should be given to the sector in which most of the world's workforce is employed, and which is one of the most dangerous sectors to work in. I am glad to note that the adopted text can be shaped into an instrument that, once ratified and applied by governments, will really improve the lives of millions of agricultural workers worldwide.

I would like to thank the Conference staff, including the interpreters and all those who have worked behind the scenes, for their competence and skill.

In conclusion, I express my appreciation to Mr. Flamarique, President of the Conference, and to my co-Vice-Presidents, Mr. Moorhead and Ms. Bauer, for their fair collaboration and understanding in carrying out our tasks. The 2000 International Labour Conference has certainly energized this Organization for years to come.

Original Spanish: The SECRETARY-GENERAL — I feel like speaking my own language. It is an honour to have an Argentinian President today, so I am going to close the meeting in Spanish.

First of all, I would like to say that we have heard a great deal of discussion during the Conference of the need for flexibility. I think the way in which we are concluding the Conference is indeed a sign of the flexibility which we are using in our work. We have been looking for microphones in this August body of the United Nations which actually work. We seem to have ended up talking into the sole microphone that is working this afternoon.

As you are aware, it used to be traditional for the Director-General to provide an oral response at the end of the Conference. The oral response was given to the entire body of the Conference and was very long. If I have correctly understood, the mood here, I feel that you would probably prefer a short response. For this reason, my response to the Conference was circulated this morning in Provisional Record No. 25, which contains my detailed comments concerning the debates. Perhaps you will allow me to make just a few brief comments now.

I think this has been a very good Conference, which has had excellent discussions on human resources. The first steps have been made towards the adoption of the Convention on safety and health in agriculture. We have taken an important decision, as we all know, an important decision on Myanmar, and I would like to use the podium now to once more extend an invitation to the Government of Myanmar to use the opportunities given to it by the Conference in the resolution which has been adopted. The first of these is that Myanmar should agree to make full use of all the resources and skills of the Office in order to comply with the recommendations of the Commission of Inquiry. Therefore, as Director-General, I would like to call upon the Government of Myanmar yet again to follow in this direction, remembering words spoken by the Ambassador of Japan when he took the floor yesterday.

We had a significant vote on the new maternity protection Convention. I have made specific comments in my written text, but I would like to underscore one point now. We as the ILO have an enormous responsibility for understanding the links between family and working life. The discussion that we had this week really focuses on this vital factor that we all wish to protect, namely maternity, which is the raison d'être of a family's existence in so many respects. As always happens in every negotiation an agreement, there are some that say we have gone too far, and others who say that it is more a matter of principle. It is not possible for a negotiation to make everyone happy. However, I believe the Conference should be proud to have produced a document which is generally balanced and makes it possible for more women to receive maternity protection.

Some very preliminary calculations have been made with regard to the extension of coverage which will come out of the Convention. They suggest that an additional 250 million women will be covered, since we have included atypical work in the Convention. Therefore, you see that in time we will feel that we have indeed taken an important decision here.

Another important aspect of this session was the discussions on HIV/AIDS. I believe that the ILO needed to make a commitment in this regard. We have some projects, we have done a few things, but we have not determined here at the Conference what the political implications of this commitment, even though we had a special sitting devoted to the political and technical elements of this subject. We have not taken a decision to look at all dimensions of this issue and how it will affect the world of work.

I have said many times that to understand what the ILO should do in the future we have to understand the problems and look at them through the eyes of the man in the street. We need to look at situations, from the perspective of how a family lives — a person lives or a given human being lives.

By hearing at this session the words of Ms. Mercy Makhalemele, this amazing South African woman, I think that we all had a feeling for what this means. She described situations which undoubtedly very few of us have actually experienced and she brought them home to us. I think it is important for us to be able in our work to bear in mind the human aspect, and to be sensitive and understand that each of the issues that we discuss in Conferences, committees and sessions
are directly linked to the lives of real people. All the things that we negotiate in the Conferences have a concrete impact on people's lives. When Mercy was here with us she provided a powerful and moving reminder of the reality of our work. There are few organizations whose mandate and activities are as close to people's real lives as ours.

In the ILO, the Committee on the Application of Standards has done some very effective work, and we have been presented with the Global Report on freedom of association. There could not have been a more important issue with which to commence these Global Reports than the simple recognition that we want to make progress and strengthening the ILO's raison d'être. We need to begin by ensuring that people can organize themselves (in trade unions), and that people can express their views. If someone works, then that person should be able to get together with the other people with whom they work, to say what they as a group feel is most appropriate in their sector, in their company and on a national level. The same also applies to the employers. Employers should have the opportunity and the need to organize.

If there is a topic which determines all of the other important issues that we deal with here, it is the simple right to organize, in order to make one's voice heard. This is why we have called the Report, Your voice at work, because this issue is at the very heart of the ILO's raison d'être. I think it was important to have started with this text.

I thank you very much for the many comments that you have made and as a result, future reports will be better reports. However, I would like to retain something in the heart of this Conference. If we are successful in ensuring freedom of association and the right to organize, then the ILO will be successful. If we do not make progress, if this idea does not take root and is not sufficiently protected, one of the key factors of the whole existence of our institution will be lost. This applies to workers and employers.

I would like to extend my thanks to all of you: to the Officers of the Conference, to the Vice-Chairpersons, to the delegates, to the interpreters, people from Protocol, documentalists and translators. I want to thank all the staff of the ILO who have worked so hard behind the scenes for the success of the Conference.

Mr. President, I would like to conclude by thanking you. It has been a pleasure to have a Latin American compatriot sitting by my side, a compatriot with whom we have a lengthy common frontier, of lakes, mountains, valleys, marvellous scenery. You have served us wonderfully well. You have been an excellent President, and I would like to acknowledge all that you have done.

But, above all, I would say that the Conference has been a success, and it is due to all of you. You are the ones who have made the Conference, you spoke, you told us what you were thinking about, you produced the agreements, you voted one way or the other, and at the end of the day you produced the results that we have today. The success of the Conference is indeed our success and I would like to thank you all. I think that we have really earned a good rest after these three weeks of work. Thank you very much indeed to all of you. I assure you that you have an ILO Director-General who is always ready to listen to you, concerned with your problems and always open about what he thinks.

I think that it is important that you know what I am thinking, what I have on my mind, what concerns me, and what I feel that we need to be looking into. But this is always aimed at helping you in your task. You are the tripartite constituents, you are the people who take the decisions and I am at your service, at the service of this common will of the three ILO constituents to ensure that this institution remains a great institution. I want to thank you very much indeed for this Conference.

There is one detail which I have missed, and I apologize. At the end of the Conference, by custom, the Director-General presents the President of the Conference with the gavel as a souvenir. On one side, the gavel bears the words: "Don Mario Alberto Flamingo, President", and on the other side, it bears the date of the Conference. And so now, officially, I present you with the gavel. Thank you.

Original Spanish: The PRESIDENT —Now to conclude, I myself must take the floor.

Today we witness the culmination of three weeks of concerted efforts to fulfil the tasks of the Conference. Three weeks of debate, in which we have had the opportunity to address fundamental aspects of the development of labour activity.

We have heard intensive debates, agreements and disagreements, experiences, hopes and concerns. We have heard the points of view of Governments, Employers and Workers expressed from this podium with equal conviction. Each has underlined the importance of this Organization and of tripartism as a suitable tool with which to build a better world.

The Government delegates and the Workers' and Employers' representatives have reached significant agreements and have identified issues for future debates which will surely echo around the five continents.

I would like to once again to thank a few individuals for their participation, and in particular the President of the Republic of Portugal, Mr. Jorge Fernando Branco de Sampaio, and the President of the Republic of Namibia, Mr. Sam Nujoma. Both distinguished visitors spoke here and agreed on the importance of actively pursuing the ILO's values.

This 88th Session of the Conference discussed the first Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, which was adopted at the 86th Session, in 1998. It is a Report which looks at freedom of association and the effective recognition of the right to collective bargaining.

One important conclusion of this debate is that there is an increasing conviction of the importance of the role of freedom of association, the right to organize and collective bargaining. The achievements in the different domains of labour law are closely linked to the right to collective bargaining and freedom of association. They are a unique means to promote social justice, and therefore peace.

The Conference has worked on updating the ILO's body of norms and standards. A dynamic institution requires constant updating and modernization of its standards and rules. The ILO has thus shown that it is capable of changing with the times, keeping a mainstay of universal, basic principles and standards.

This Conference will make a significant contribution to raising awareness by the international community of the need for a multi-pronged approach to fight...
the scourge of HIV/AIDS. That was something that was underlined by the passionate and emotional account that we heard from Ms. Makhalemele in this forum.

Her extraordinary presence here, more than the signature of the resolution on HIV/AIDS and the framework agreement on cooperation between the ILO and UNAIDS, serves as a powerful call urgently to take effective action.

Something else which we will remember about this session is the hard work done by all the various Committees.

I would thus like to thank the Chairpersons and Vice-Chairpersons of these Committees and all of the delegates who took part in their deliberations. I should also like to thank the heads of the secretariat and their staff for their professionalism, and to highlight the efforts of the interpreters, who patiently did their work during the very long hours of debate.

The task undertaken in the Committee on Health and Safety in Agriculture helped to pave the way for the establishment of new standards which will extend protection to workers in the agricultural sector. For its part, the Committee on the Application of Standards completed a report which demonstrated a constructive spirit and good will in considering a large number of cases, many of which were very serious. It has made it possible to draw conclusions which are acceptable for all in cases inter alia relating to freedom of association, collective bargaining, forced labour, bonded labour, the exploitation of children and equality of opportunity.

I can assure you that Argentina, thanks to the recent adoption by the Senate, will in a few days deposit instruments of ratification for the Worst Forms of Child Labour Convention, 1999 (No. 182). It will therefore have ratified all of the core Conventions of the ILO. It is also a pleasure for me to inform the Conference that my country has just ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169). This once again underlines our commitment to the ILO's system of Conventions.

As regards the Committee on Human Resources Development, its conclusions will serve as a roadmap which training in the globalized world will have to follow to adapt to economic and social needs. This subject will no doubt increase in importance at the next sessions of the Conference. It opens up a crucial area to adapt to economic and social needs. This subject will no doubt increase in importance at the next sessions of the Conference. It opens up a crucial area of cooperation between developed and developing countries, so as to ensure access to vocational training and the recognition of skills for all workers.

The instrument revising the Convention on maternity protection has been adopted. It addresses an issue of the utmost importance, which is a key component of decent work.

Tripartism is the hallmark of the International Labour Organization, and this Conference has once again shown how appropriate social dialogue is to our times, and how important it is that employers, workers and governments come to agreements on common strategies to drive social development.

Our quest for consensus and dialogue reinforces our conviction that there is growing interdependence and a need for countries, regions and the social partners to hold discussion with forever more respect, humility and mutual commitment.

This session of the Conference is taking place at a time when our leaders are discussing the effects of globalization in various international forums. At the recent summit in Lisbon, it was directly and clearly affirmed that job creation is the very foundation of social cohesion.

Furthermore, only two weeks ago, in the meeting of Heads of State in Berlin, the participants stated that "we believe market economies must be combined with social responsibility to safeguard growth, promote social justice and protect the environment".

It is not possible for those countries suffering from internal tensions to compete in this globalized world. It serves no purpose to talk about preparing ourselves for globalization if we do not prepare that basic and crucial element — a safety net — reduces tensions within our own societies. This is perhaps the first challenge which we need to meet if we want to succeed in the twenty-first century.

But let us make no mistake. In a globalized world, there are globalizers and the globalized. There are those who spread and benefit from globalization and those who have to adapt to it, sometimes successfully and sometimes with great pain.

The line between globalizers and the globalized is no longer drawn by the availability amounts of natural resources or cheap labour, or even a mixture of the two. What is important today is knowledge, technology and information. This is where the time is drawn.

The global village which we hear about has precious few centres of dynamic job creation and many destitute quarters. Therefore, we must be clear on how we are going to act.

Globalization of successful job creation must be the positive social corollary of globalization of the market, bringing together fairness and security which create benefits for all — workers, the excluded and the marginalized.

Thus we will finally be able to remove the question mark which accompanies the word "globalization" when it is spoken in the emerging countries.

Latin America, my region, and Argentina, my country, are fully committed to driving forward all policies of equity and solidarity which will dispel these doubts and overcome these threats.

People do not simply want to work in a market; they want to live in a community. They want their governments to fight effectively against unemployment.

As we move into the new millennium, we can embark on either of two roads. We could move towards a world divided between civilized and prosperous countries on the one hand, in which social balance, a culture of equity and the full force of law effectively correct for the excesses of unfettered markets, and on the other hand backwards, marginalized, impoverished countries, where, every day, men and women swell the ranks of the excluded, the illiterate, the poor and the malnourished. Or we could take a fundamental change in direction, towards a world devoted to building social justice as the precondition for growth, where fairness and equity fuel economic activity, and justice guarantees respect for the rights of all.

If we are to set off in this direction, we need to use all our courage and intelligence to ensure that social cohesion can vanquish kind of exclusion.

This is why I say that the basis of any social policy must be an effective policy for full employment. I believe any effective policy needs to combat structural unemployment.

The International Labour Organization needs to set off to take substantive action which could then be adopted in the member countries.
I would not wish to finish my job as President of the Conference without saying a few special words of thanks. First of all I would like to mention the brilliant and unfailing help which has been given to me by the Vice-Presidents in moving our work forward. It has been a real pleasure working with them. I would also like to underline the constant and valuable help of Ms. Nicole de Warlinecourt, who is the Conference Clerk. Without her help, we would have had great difficulty in coming out of the labyrinth of debate.

I would also like to thank my friend the Secretary-General of the Conference, Juan Somavia, for the excellent presentation of the Report on the activities of the ILO in 1998 and 1999.

There is no doubt about the quality of the reports presented by the Office to this Conference and the Officer's commitment for the promotion of fundamental principles and rights at work. The Office is worthy of our thanks and praise.

These three weeks have been unforgettable for me. I have learnt by experience, information and example. Thanks to you and thanks to all of the staff of the International Labour Office.

As for me, I hope that I have been worthy of the momentous responsibility which, through me, has been placed upon Argentina. With this, and the prestigious history of the ILO in mind, I have done my best.

Mr. Secretary-General, I have been given this gavel as a gift and I will keep it with great fondness and not a little nostalgia.

I will now use it to declare closed the 88th Session of the International Labour Conference.

(The Conference adjourned sine die at 4.30 p.m.)
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No. 27 – Friday, 16 June 2000

PRINTED IN SWITZERLAND
AUTHENTIC TEXTS OF INSTRUMENTS
ADOPTED BY THE CONFERENCE
The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Noting the need to revise the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952, in order to further promote equality of all women in the workforce and the health and safety of the mother and child, and in order to recognize the diversity in economic and social development of Members, as well as the diversity of enterprises, and the development of the protection of maternity in national law and practice, and


Taking into account the circumstances of women workers and the need to provide protection for pregnancy, which are the shared responsibility of government and society, and

Having decided upon the adoption of certain proposals with regard to the revision of the Maternity Protection Convention (Revised), 1952, and Recommendation, 1952, 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 fifteenth day of June of the year two thousand the following Convention, which may be cited as the Maternity Protection Convention, 2000.

SCOPE

Article 1

For the purposes of this Convention, the term “woman” applies to any female person without discrimination whatsoever and the term “child” applies to any child without discrimination whatsoever.
CONVENTION CONCERNANT
LA RÉVISION DE LA CONVENTION (RÉVISÉE)
SUR LA PROTECTION DE LA MATERNITÉ, 1952

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau
international du Travail, et s'y étant réunie le 30 mai 2000, en sa
quatre-vingt-huitième session;

Prenant note de la nécessité de réviser la convention sur la protection de la
maternité (révisée), 1952, ainsi que la recommandation sur la
protection de la maternité, 1952, afin de promouvoir davantage
l'égalité de toutes les femmes qui travaillent ainsi que la santé et la
sécurité de la mère et de l'enfant, et afin de reconnaître la diversité du
développement économique et social des Membres ainsi que la
diversité des entreprises et le développement de la protection de la
maternité dans les législations et les pratiques nationales;

Prenant note des dispositions de la Déclaration universelle des droits de
l'homme (1948), de la Convention des Nations Unies sur l'élimination
de toutes les formes de discrimination à l'égard des femmes (1979),
de la Convention des Nations Unies relative aux droits de l'enfant
(1989), de la Déclaration et du Programme d'action de Beijing
(1995), de la Déclaration sur l'égalité de chances et de traitement
pour les travailleuses de l'Organisation internationale du Travail
(1975), de la Déclaration de l'Organisation internationale du Travail
relative aux principes et droits fondamentaux au travail et son suivi
(1998) ainsi que des conventions et recommandations internationales
du travail qui visent à garantir l'égalité de chances et de traitement
aux travailleurs et aux travailleuses, en particulier la convention sur
les travailleurs ayant des responsabilités familiales, 1981;

Tenant compte de la situation des femmes qui travaillent et prenant acte de
la nécessité d'assurer la protection de la grossesse, en tant que
responsabilité partagée des pouvoirs publics et de la société;

Après avoir décidé d'adopter diverses propositions relatives à la révision
de la convention (révisée) et de la recommandation sur la protection
de la maternité, 1952, question qui constitue le quatrième point à
l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une
convention internationale,

adopte, ce quinzième jour de juin deux mille, la convention ci-après, qui sera

CHAMP D'APPLICATION

Article 1

Aux fins de la présente convention, le terme «femme» s'applique à toute
personne du sexe féminin, sans discrimination quelle qu'elle soit, et le terme
«enfant» à tout enfant, sans discrimination quelle qu'elle soit.
Article 2

1. This Convention applies to all employed women, including those in atypical forms of dependent work.

2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

HEALTH PROTECTION

Article 3

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother’s health or that of her child.

MATERNITY LEAVE

Article 4

1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.

4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks’ compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.
Article 2

1. La présente convention s'applique à toutes les femmes employées, y compris les femmes qui le sont dans le cadre de formes atypiques de travail dépendant.

2. Toutefois, un Membre qui ratifie la convention peut, après consultation des organisations représentatives des employeurs et des travailleurs intéressées, exclure totalement ou partiellement de son champ d'application des catégories limitées de travailleurs lorsque son application à ces catégories soulèverait des problèmes spéciaux d'une importance particulière.

3. Tout Membre qui se prévaut de la possibilité prévue au paragraphe précédent doit, dans son premier rapport sur l'application de la convention présenté en vertu de l'article 22 de la Constitution de l'Organisation internationale du Travail, indiquer les catégories de travailleurs ainsi exclues et les raisons de leur exclusion. Dans ses rapports ultérieurs, le Membre doit décrire les mesures prises afin d'étendre progressivement les dispositions de la convention à ces catégories.

PROTECTION DE LA SANTÉ

Article 3

Tout Membre doit, après consultation des organisations représentatives des employeurs et des travailleurs, adopter les mesures nécessaires pour que les femmes enceintes ou qui allaient ne soient pas contraintes d'accomplir un travail qui a été déterminé par l'autorité compétente comme préjudiciable à leur santé ou à celle de leur enfant ou dont il a été établi par une évaluation qu'il comporte un risque significatif pour la santé de la mère ou celle de l'enfant.

CONGÉ DE MATERNITÉ

Article 4

1. Sur présentation d'un certificat médical ou autre attestation appropriée, telle que déterminée par la législation et la pratique nationales, indiquant la date présumée de son accouchement, toute femme à laquelle la présente convention s'applique a droit à un congé de maternité d'une durée de quatorze semaines au moins.

2. La durée du congé mentionnée ci-dessus doit être spécifiée par le Membre dans une déclaration accompagnant la ratification de la présente convention.

3. Tout Membre peut, par la suite, déposer auprès du Directeur général du Bureau international du Travail une nouvelle déclaration étendant la durée du congé de maternité.

4. Compte dûment tenu de la protection de la santé de la mère et de l'enfant, le congé de maternité doit comprendre une période de congé obligatoire de six semaines après l'accouchement, à moins qu'à l'échelon national il n'en soit convenu autrement par le gouvernement et les organisations représentatives d'employeurs et de travailleurs.
5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

**LEAVE IN CASE OF ILLNESS OR COMPLICATIONS**

*Article 5*

On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

**BENEFITS**

*Article 6*

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman’s previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.
5. La durée du congé de maternité prénatal doit être prolongée par un congé équivalent à la période écoulée entre la date présumée et la date effective de l’accouchement, sans réduction de la durée de tout congé postnatal obligatoire.

**CONGÉ EN CAS DE MALADIE OU DE COMPLICATIONS**

*Article 5*

Sur présentation d’un certificat médical, un congé doit être accordé, avant ou après la période de congé de maternité, en cas de maladie, complications ou risque de complications résultant de la grossesse ou de l’accouchement. La nature et la durée maximale de ce congé peuvent être précisées conformément à la législation et à la pratique nationales.

**PRESTATIONS**

*Article 6*

1. Des prestations en espèces doivent être assurées, conformément à la législation nationale ou de toute autre manière conforme à la pratique nationale, aux femmes qui s’absentent de leur travail pour cause de congé visé aux articles 4 ou 5.

2. Les prestations en espèces doivent être établies à un niveau tel que la femme puisse subvenir à son entretien et à celui de son enfant dans de bonnes conditions de santé et selon un niveau de vie convenable.

3. Lorsque la législation ou la pratique nationale prévoit que les prestations en espèces, versées au titre du congé visé à l’article 4, sont déterminées sur la base du gain antérieur, le montant de ces prestations ne doit pas être inférieur aux deux tiers du gain antérieur de la femme ou du gain tel que pris en compte pour le calcul des prestations.

4. Lorsque la législation ou la pratique nationale prévoit que les prestations en espèces, versées au titre du congé visé à l’article 4, sont déterminées par d’autres méthodes, le montant de ces prestations doit être du même ordre de grandeur que celui qui résulte en moyenne de l’application du paragraphe précédent.

5. Tout Membre doit garantir que les conditions requises pour bénéficier des prestations en espèces puissent être réunies par la grande majorité des femmes auxquelles la présente convention s’applique.

6. Lorsqu’une femme ne remplit pas les conditions prévues par la législation nationale ou prévues de toute autre manière qui soit conforme à la pratique nationale pour bénéficier des prestations en espèces, elle a droit à des prestations appropriées financées par les fonds de l’assistance sociale, sous réserve du contrôle des ressources requis pour l’octroi de ces prestations.

7. Des prestations médicales doivent être assurées à la mère et à son enfant, conformément à la législation nationale ou de toute autre manière conforme à la pratique nationale. Les prestations médicales doivent comprendre les soins prénatal, les soins liés à l’accouchement, les soins postnatal et l’hospitalisation lorsqu’elle est nécessaire.
8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer’s specific agreement except where:

(a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or

(b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Article 7

1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.

2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefor and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

Article 8

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.

2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Article 9

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including – notwithstanding Article 2, paragraph 1 – access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:
8. Afin de protéger la situation des femmes sur le marché du travail, les prestations afférentes au congé visé aux articles 4 et 5 doivent être assurées par une assurance sociale obligatoire ou par prélèvement sur des fonds publics ou d'une manière déterminée par la législation et la pratique nationales. L'employeur ne doit pas être tenu personnellement responsable du coût direct de toute prestation financière de ce genre, due à une femme qu'il emploie, sans y avoir expressément consenti, à moins:

a) que cela ait été prévu par la pratique ou par la législation en vigueur dans l'État Membre avant l'adoption de la présente convention par la Conférence internationale du Travail; ou

b) qu'il en soit ainsi convenu ultérieurement au niveau national par le gouvernement et les organisations représentatives d'employeurs et de travailleurs.

Article 7

1. Tout Membre dont l'économie et le système de sécurité sociale sont insuffisamment développés est réputé donner effet à l'article 6, paragraphes 3 et 4, si les prestations en espèces sont d'un taux au moins égal à celui des prestations de maladie ou d'incapacité temporaire prévu par la législation nationale.

2. Tout Membre qui se prévaut de la possibilité prévue au paragraphe précédent doit en expliquer les raisons et préciser le taux auquel les prestations en espèces sont versées, dans son premier rapport sur l'application de la convention présenté en vertu de l'article 22 de la Constitution de l'Organisation internationale du Travail. Dans ses rapports ultérieurs, le Membre doit décrire les mesures prises en vue de relever progressivement ce taux.

PROTECTION DE L'EMPLOI ET NON-DISCRIMINATION

Article 8

1. Il est interdit à l'employeur de licencier une femme pendant sa grossesse, le congé visé aux articles 4 ou 5, ou pendant une période suivant son retour de congé à déterminer par la législation nationale, sauf pour des motifs sans lien avec la grossesse, la naissance de l'enfant et ses suites ou l'allaitement. La charge de prouver que les motifs du licenciement sont sans rapport avec la grossesse, la naissance de l'enfant et ses suites ou l'allaitement incombe à l'employeur.

2. A l’issue du congé de maternité, la femme doit être assurée, lorsqu'elle reprend le travail, de retrouver le même poste ou un poste équivalent rémunéré au même taux.

Article 9

1. Tout Membre doit adopter des mesures propres à garantir que la maternité ne constitue pas une source de discrimination en matière d'emploi, y compris d'accès à l'emploi et ce, nonobstant l'article 2, paragraphe 1.

2. Les mesures auxquelles se réfère le paragraphe précédent comprennent l'interdiction d'exiger d'une femme qui pose sa candidature à un poste qu'elle se soumette à un test de grossesse ou qu'elle présente un certificat attestant ou non de l'état de grossesse, sauf lorsque la législation nationale le prévoit pour les travaux qui:
(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
(b) where there is a recognized or significant risk to the health of the woman and child.

**BREASTFEEDING MOTHERS**

*Article 10*

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

**PERIODIC REVIEW**

*Article 11*

Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

**IMPLEMENTATION**

*Article 12*

This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards, court decisions, or in any other manner consistent with national practice.

**FINAL PROVISIONS**

*Article 13*

This Convention revises the Maternity Protection Convention (Revised), 1952.

*Article 14*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.
a) sont interdits, totalement ou partiellement, en vertu de la législation nationale, aux femmes enceintes ou à celles qui allaitent; ou

b) comportent un risque reconnu ou significatif pour la santé de la femme et de l’enfant.

MÈRES QUI ALLAITEMENT

Article 10

1. La femme a droit à une ou plusieurs pauses quotidiennes ou à une réduction journalière de la durée du travail pour allaiter son enfant.

2. La période durant laquelle les pauses d’allaitement ou la réduction journalière du temps de travail sont permises, le nombre et la durée de ces pauses ainsi que les modalités de la réduction journalière du temps du travail doivent être déterminés par la législation et la pratique nationales. Ces pauses ou la réduction journalière du temps de travail doivent être comptées comme temps de travail et rémunérées en conséquence.

EXAMEN PÉRIODIQUE

Article 11

Tout Membre doit examiner périodiquement, en consultation avec les organisations représentatives des employeurs et des travailleurs, l’opportunité d’étendre la durée du congé prévu à l’article 4 et d’augmenter le montant ou le taux des prestations en espèces visé à l’article 6.

MISE EN ŒUVRE

Article 12

La présente convention doit être mise en œuvre par voie de législation, sauf dans la mesure où il lui serait donné effet par tout autre moyen tel que conventions collectives, sentences arbitrales, décisions judiciaires, ou de toute autre manière conforme à la pratique nationale.

DISPOSITIONS FINALES

Article 13

La présente convention révise la convention sur la protection de la maternité (révisée), 1952.

Article 14

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.
Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 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 12 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 Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall 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 the Director-General 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 15

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général du Bureau international du Travail.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 16

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 17

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes ratifications et de tous actes de dénonciation qui lui seront communiqués par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 18

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 19

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.
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.
1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l’article 16 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;

b) à partir de la date de l’entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d’être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l’auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Les versions française et anglaise du texte de la présente convention font également foi.
RECOMMENDATION CONCERNING THE REVISION OF THE MATERNITY PROTECTION RECOMMENDATION, 1952

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Having decided upon the adoption of certain proposals with regard to maternity protection, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Maternity Protection Convention, 2000 (hereinafter referred to as "the Convention"),

adopts this fifteenth day of June of the year two thousand the following Recommendation, which may be cited as the Maternity Protection Recommendation, 2000.

MATERNITY LEAVE

1. (1) Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.

(2) Provision should be made for an extension of the maternity leave in the event of multiple births.

(3) To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.

BENEFITS

2. Where practicable, and after consultation with the representative organizations of employers and workers, the cash benefits to which a woman is entitled during leave referred to in Articles 4 and 5 of the Convention should be raised to the full amount of the woman’s previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

3. To the extent possible, the medical benefits provided for in Article 6, paragraph 7, of the Convention should include:

(a) care given in a doctor’s office, at home or in a hospital or other medical establishment by a general practitioner or a specialist;

(b) maternity care given by a qualified midwife or by another maternity service at home or in a hospital or other medical establishment;

(c) maintenance in a hospital or other medical establishment;

(d) any necessary pharmaceutical and medical supplies, examinations and tests prescribed by a medical practitioner or other qualified person; and

(e) dental and surgical care.
La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session;
Après avoir décidé d’adopter diverses propositions relatives à la protection de la maternité, question qui constitue le quatrième point à l’ordre du jour de la session;
Après avoir décidé que ces propositions prendraient la forme d’une recommandation complétant la convention sur la protection de la maternité, 2000 (ci-après dénommée «la convention»),
adopte, ce quinzième jour de juin deux mille, la recommandation ci-après, qui sera dénommée Recommandation sur la protection de la maternité, 2000.

CONGÉ DE MATERNITÉ

1. (1) Les Membres devraient s’efforcer de porter la durée du congé de maternité visé à l’article 4 de la convention à dix-huit semaines au moins.

   (2) Une prolongation du congé de maternité devrait être prévue en cas de naissances multiples.

   (3) Autant que possible, des mesures devraient être prises pour que la femme puisse exercer librement son choix en ce qui concerne le moment auquel elle entend prendre la partie non obligatoire de son congé de maternité, avant ou après l’accouchement.

PRESTATIONS

2. Chaque fois que cela est réalisable, les prestations en espèces auxquelles la femme a droit pendant le congé auquel se réfèrent les articles 4 et 5 de la convention devraient être portées, après consultation des organisations représentatives des employeurs et des travailleurs, à un montant égal à la totalité de son gain antérieur ou du gain tel que pris en compte pour le calcul des prestations.

3. Les prestations médicales visées à l’article 6, paragraphe 7, de la convention devraient, dans la mesure du possible, comprendre:

   a) les soins donnés par un médecin généraliste ou spécialiste à son cabinet, à domicile, à l’hôpital ou dans un autre établissement de soins;

   b) les soins de maternité donnés par une sage-femme diplômée ou par d’autres services de maternité aussi bien à domicile qu’à l’hôpital ou dans un autre établissement de soins;

   c) le séjour dans un hôpital ou un autre établissement de soins;

   d) toutes fournitures pharmaceutiques et médicales, analyses et examens nécessaires, lorsqu’ils sont prescrits par un médecin ou une autre personne qualifiée;

   e) les soins dentaires et chirurgicaux.
FINANCING OF BENEFITS

4. Any contribution due under compulsory social insurance providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, whether paid by both the employer and the employees or by the employer, should be paid in respect of the total number of men and women employed, without distinction of sex.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

5. A woman should be entitled to return to her former position or an equivalent position paid at the same rate at the end of her leave referred to in Article 5 of the Convention. The period of leave referred to in Articles 4 and 5 of the Convention should be considered as a period of service for the determination of her rights.

HEALTH PROTECTION

6. (1) Members should take measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. The results of the assessment should be made available to the woman concerned.

(2) In any of the situations referred to in Article 3 of the Convention or where a significant risk has been identified under subparagraph (1) above, measures should be taken to provide, on the basis of a medical certificate as appropriate, an alternative to such work in the form of:

(a) elimination of risk;
(b) an adaptation of her conditions of work;
(c) a transfer to another post, without loss of pay, when such an adaptation is not feasible; or
(d) paid leave, in accordance with national laws, regulations or practice, when such a transfer is not feasible.

(3) Measures referred to in subparagraph (2) should in particular be taken in respect of:

(a) arduous work involving the manual lifting, carrying, pushing or pulling of loads;
(b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard;
(c) work requiring special equilibrium;
(d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.

(4) A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing.

(5) The woman should retain the right to return to her job or an equivalent job as soon as it is safe for her to do so.
FINANCEMENT DES PRESTATIONS

4. Toute cotisation due dans le cadre d’une assurance sociale obligatoire prévoyant des prestations de maternité et toute taxe calculée sur la base des salaires et perçue aux fins de fournir de telles prestations, qu’elles soient payées conjointement par l’employeur et les salariés ou par l’employeur uniquement, devraient être payées d’après le nombre total de salariés, sans distinction de sexe.

PROTECTION RELATIVE À L’EMPLOI ET NON-DISCRIMINATION

5. La femme devrait avoir le droit de reprendre son travail au même poste ou à un poste équivalent rémunéré au même taux à l’issue du congé visé à l’article 5 de la convention. La période du congé visé aux articles 4 et 5 de la convention devrait être considérée comme une période de service aux fins de la détermination de ses droits.

PROTECTION DE LA SANTÉ

6. (1) Les Membres devraient prendre des mesures en vue d’assurer l’évaluation de tout risque que peut comporter le lieu de travail pour la sécurité et la santé de la femme enceinte ou qui allaite et de son enfant. Les résultats de cette évaluation devraient être communiqués aux femmes concernées.

(2) Dans toute situation visée à l’article 3 de la convention ou lorsqu’il a été établi qu’il existe un risque significatif tel que visé au sous-paragraphe (1), des mesures devraient être prises afin de fournir, le cas échéant sur présentation d’un certificat médical, une alternative, à savoir:

a) l’élimination du risque;
b) l’adaptation de ses conditions de travail;
c) un transfert à un autre poste, sans perte de rémunération, lorsqu’une telle adaptation n’est pas réalisable;
d) un congé rémunéré accordé conformément à la législation et à la pratique nationales, lorsqu’un tel transfert n’est pas réalisable.

(3) Les mesures visées au sous-paragraphe 2 devraient être prises en particulier en ce qui concerne:

a) tout travail pénible obligeant à lever, transporter, tirer ou pousser des charges manuellement;
b) tout travail exposant la femme à des agents biologiques, chimiques ou physiques susceptibles d’être dangereux pour ses fonctions reproductives;
c) tout travail faisant particulièrement appel au sens de l’équilibre;
d) tout travail exigeant un effort physique, du fait d’une station assise ou debout prolongée, de températures extrêmes ou de vibrations.

(4) Une femme enceinte ou qui allaite ne devrait pas être astreinte à un travail de nuit lorsqu’il a été établi par un certificat médical qu’un tel travail est incompatible avec son état.

(5) La femme devrait conserver le droit de reprendre le travail au même poste ou à un poste équivalent, dès que son retour ne comporte plus de risque pour sa santé.
(6) A woman should be allowed to leave her workplace, if necessary, after notifying her employer, for the purpose of undergoing medical examinations relating to her pregnancy.

**BREASTFEEDING MOTHERS**

7. On production of a medical certificate or other appropriate certification as determined by national law and practice, the frequency and length of nursing breaks should be adapted to particular needs.

8. Where practicable and with the agreement of the employer and the woman concerned, it should be possible to combine the time allotted for daily nursing breaks to allow a reduction of hours of work at the beginning or at the end of the working day.

9. Where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.

**RELATED TYPES OF LEAVE**

10. (1) In the case of the death of the mother before the expiry of postnatal leave, the employed father of the child should be entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave.

(2) In the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, the employed father of the child should be entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave, in accordance with national law and practice, to look after the child.

(3) The employed mother or the employed father of the child should be entitled to parental leave during a period following the expiry of maternity leave.

(4) The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits and the use and distribution of parental leave between the employed parents, should be determined by national laws or regulations or in any manner consistent with national practice.

(5) Where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the Convention, especially regarding leave, benefits and employment protection.
(6) La femme devrait, le cas échéant, avoir la possibilité de s’absenter de son poste de travail, après en avoir informé son employeur, pour se soumettre à des contrôles médicaux en relation avec sa grossesse.

MÈRES QUI ALLAIENT

7. Sur présentation d’un certificat médical ou autre attestation appropriée, telle que déterminée par la législation et la pratique nationales, le nombre et la durée des pauses d’allaitement devraient être adaptés aux besoins particuliers.

8. Lorsque cela est réalisable, avec l’accord de l’employeur et de la femme concernée, les pauses quotidiennes d’allaitement devraient pouvoir être prises en une seule fois sous la forme d’une réduction globale de la durée du travail, au début ou à la fin de la journée de travail.

9. Lorsque cela est réalisable, des dispositions devraient être prises en vue de la création de structures pour l’allaitement des enfants dans des conditions d’hygiène adéquates sur le lieu de travail ou à proximité.

TYPES DE CONGÉS APPARENTÉS

10. (1) En cas de décès de la mère avant l’expiration du congé postnatal, le père de l’enfant, s’il est employé, devrait avoir droit à un congé d’une durée équivalent à la période restant à courir jusqu’à l’expiration du congé postnatal de la mère.

(2) En cas de maladie ou d’hospitalisation de la mère après l’accouchement et avant l’expiration du congé postnatal, et si celle-ci ne peut s’occuper de l’enfant, le père, s’il est employé, devrait bénéficier, pour prendre soin de l’enfant, d’un congé d’une durée équivalent à la période restant à courir jusqu’à l’expiration du congé postnatal, conformément à la législation et à la pratique nationales.

(3) La femme employée, ou le père de l’enfant s’il est employé, devrait pouvoir bénéficier d’un congé parental pendant une période suivant l’expiration du congé de maternité.

(4) La période pendant laquelle le congé parental pourrait être octroyé, la durée de ce congé et ses autres modalités, y compris le paiement de prestations parentales, ainsi que l’utilisation et la répartition de ce congé entre les parents lorsque les deux sont employés, devraient être déterminées par la législation nationale ou de toute autre manière conforme à la pratique nationale.

(5) Lorsque la législation et la pratique nationales prévoient l’adoption, les parents adoptifs devraient avoir accès au système de protection défini par la convention, en particulier pour ce qui est du congé, des prestations et de la protection de l’emploi.
WITHDRAWAL OF CONVENTIONS Nos 31, 46, 51, 61 and 66:
AUTHENTIC TEXTS
WITHDRAWAL OF THE HOURS OF WORK
(COAL MINES) CONVENTION, 1931

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the
International Labour Office, and having met in its 88th Session on
30 May 2000, and

Following consideration of the proposal for the withdrawal of several
international labour Conventions, which is the seventh item on the
agenda of this session;

decides this fifteenth day of June of the year two thousand to withdraw the Hours
of Work (Coal Mines) Convention, 1931 (No. 31).

The Director-General of the International Labour Office shall notify all
Members of the International Labour Organization as well as the Secretary-
General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally
authoritative.
RETRAIT DE LA CONVENTION
SUR LA DURÉE DU TRAVAIL (MINES DE CHARBON), 1931

La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session,

Après avoir examiné une proposition de retrait de plusieurs conventions internationales du travail, question qui constitue le septième point à l’ordre du jour de la session,
décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 31) sur la durée du travail (mines de charbon), 1931.


Les versions française et anglaise du texte de la présente décision font également foi.
Withdrawal of Convention 46

WITHDRAWAL OF THE HOURS OF WORK (COAL MINES) CONVENTION (REVISED), 1935

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides this fifteenth day of June of the year two thousand to withdraw the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.
La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session,

Après avoir examiné une proposition de retrait de plusieurs conventions internationales du travail, question qui constitue le septième point à l'ordre du jour de la session,

décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 46) (révisée) sur la durée du travail (mines de charbon), 1935.


Les versions française et anglaise du texte de la présente décision font également foi.
Withdrawal of Convention 51

WITHDRAWAL OF THE REDUCTION OF HOURS OF WORK (PUBLIC WORKS) CONVENTION, 1936

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and
Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;
decides this fifteenth day of June of the year two thousand to withdraw the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.
RETRAIT DE LA CONVENTION DE LA RÉDUCTION
DE LA DURÉE DU TRAVAIL (TRAVAUX PUBLICS), 1936

La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau
international du Travail, et s’y étant réunie le 30 mai 2000, en sa
quatre-vingt-huitième session,

Après avoir examiné une proposition de retrait de plusieurs conventions
internationales du travail, question qui constitue le septième point à
l’ordre du jour de la session,
décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 51) de
réduction de la durée du travail (travaux publics), 1936.

Le Directeur général du Bureau international du Travail notifiera à tous les
Membres de l’Organisation internationale du Travail ainsi qu’au Secrétaire
général de l’Organisation des Nations Unies la présente décision de retrait.

Les versions française et anglaise du texte de la présente décision font
également foi.
Withdrawal of Convention 61

WITHDRAWAL OF THE REDUCTION OF HOURS OF WORK (TEXTILES) CONVENTION, 1937

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and
Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;
decides this fifteenth day of June of the year two thousand to withdraw the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.
Retrait de la convention 61

RETRAIT DE LA CONVENTION DE RÉDUCTION DE LA DURÉE DU TRAVAIL (TEXTILE), 1937

La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session,
Après avoir examiné une proposition de retrait de plusieurs conventions internationales du travail, question qui constitue le septième point à l’ordre du jour de la session,
décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 61) de réduction de la durée du travail (textile), 1937.


Les versions française et anglaise du texte de la présente décision font également foi.
Withdrawal of Convention 66

WITHDRAWAL OF THE MIGRATION FOR EMPLOYMENT CONVENTION, 1939

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides this fifteenth day of June of the year two thousand to withdraw the Migration for Employment Convention, 1939 (No. 66).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.
Retrait de la convention 66

RETRAIT DE LA CONVENTION SUR LES TRAVAILLEURS MIGRANTS, 1939

La Conférence générale de l’Organisation internationale du Travail,

Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session,

Après avoir examiné une proposition de retrait de plusieurs conventions internationales du travail, question qui constitue le septième point à l’ordre du jour de la session,

décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 66) sur les travailleurs migrants, 1939.


Les versions française et anglaise du texte de la présente décision font également foi.
RESOLUTIONS ADOPTED BY THE CONFERENCE
Resolutions adopted by the
International Labour Conference at its 88th Session
(Geneva, June 2000)

I

Resolution concerning the measures recommended by the
Governing Body under article 33 of the ILO Constitution
on the subject of Myanmar

The General Conference of the International Labour Organization,
Meeting at its 88th Session in Geneva from 30 May to 15 June 2000,
Considering the proposals by the Governing Body which are before it,
under the eighth item of its agenda (Provisional Record No. 4), with a view to
the adoption, under article 33 of the ILO Constitution, of action to secure
compliance with the recommendations of the Commission of Inquiry established
to examine the observance by Myanmar of its obligations in respect of the
Forced Labour Convention, 1930 (No. 29),

Having taken note of the additional information contained in the report of
the ILO technical cooperation mission sent to Yangon from 23 to 27 May 2000
(Provisional Record No. 8) and, in particular, of the letter dated 27 May 2000
from the Minister of Labour to the Director-General, which resulted from the
mission,

Considering that, while this letter contains aspects which seem to reflect a
welcome intention on the part of the Myanmar authorities to take measures to
give effect to the recommendations of the Commission of Inquiry, the factual
situation on which the recommendations of the Governing Body were based has
nevertheless remained unchanged to date,

Believing that the Conference cannot, without failing in its responsibilities
to the workers subjected to various forms of forced or compulsory labour,
abstain from the immediate application of the measures recommended by the
Governing Body unless the Myanmar authorities promptly take concrete action
to adopt the necessary framework for implementing the Commission of
Inquiry’s recommendations, thereby ensuring that the situation of the said
workers will be remedied more expeditiously and under more satisfactory
conditions for all concerned;

1. Approves in principle, subject to the conditions stated in paragraph 2
below, the actions recommended by the Governing Body, namely:

(a) to decide that the question of the implementation of the Commission of
Inquiry’s recommendations and of the application of Convention No. 29 by
Myanmar should be discussed at future sessions of the International Labour
Conference, at a sitting of the Committee on the Application of Standards
specially set aside for the purpose, so long as this Member has not been
shown to have fulfilled its obligations;

(b) to recommend to the Organization’s constituents as a whole – governments,
employers and workers – that they: (i) review, in the light of the
conclusions of the Commission of Inquiry, the relations that they may have
with the member State concerned and take appropriate measures to ensure
that the said Member cannot take advantage of such relations to perpetuate
or extend the system of forced or compulsory labour referred to by the
Commission of Inquiry, and to contribute as far as possible to the
implementation of its recommendations; and (ii) report back in due course
and at appropriate intervals to the Governing Body;

1 Adopted on 14 June 2000 by 257 votes in favour, 41 against, with 31 abstentions.
(c) as regards international organizations, to invite the Director-General: (i) to inform the international organizations referred to in article 12, paragraph 1, of the Constitution of the Member's failure to comply; (ii) to call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Member concerned and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labour;

(d) regarding the United Nations specifically, to invite the Director-General to request the Economic and Social Council (ECOSOC) to place an item on the agenda of its July 2001 session concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry and seeking the adoption of recommendations directed by ECOSOC or by the General Assembly, or by both, to governments and to other specialized agencies and including requests similar to those proposed in paragraphs (b) and (c) above;

(e) to invite the Director-General to submit to the Governing Body, in the appropriate manner and at suitable intervals, a periodic report on the outcome of the measures set out in paragraphs (c) and (d) above, and to inform the international organizations concerned of any developments in the implementation by Myanmar of the recommendations of the Commission of Inquiry;

2. Decides that those measures will take effect on 30 November 2000 unless, before that date, the Governing Body is satisfied that the intentions expressed by the Minister of Labour of Myanmar in his letter dated 27 May have been translated into a framework of legislative, executive and administrative measures that are sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been fulfilled and therefore render the implementation of one or more of these measures inappropriate;

3. Authorizes the Director-General to respond positively to all requests by Myanmar that are made with the sole purpose of establishing, before the above deadline, the framework mentioned in the conclusions of the ILO technical cooperation mission (points (i), (ii) and (iii), page 8/11 of Provisional Record No. 8), supported by a sustained ILO presence on the spot if the Governing Body confirms that the conditions are met for such presence to be truly useful and effective.

II

Resolution concerning HIV/AIDS and the world of work¹

The General Conference of the International Labour Organization,

Recalling that HIV/AIDS is at present a universal pandemic that threatens all people, but also recognizing that it disproportionately impacts on economically and socially disadvantaged and excluded groups,

Recognizing that HIV/AIDS is a growing health problem, as well as a developmental crisis with disastrous consequences for the social and economic progress of many countries,

Noting with deep concern that, of the nearly 34 million people worldwide currently living with HIV/AIDS, 95 per cent are in the developing countries; that in African countries development gains of the past 50 years, including the increase in child survival and in life expectancy, are being reversed by the HIV/AIDS epidemic, and that HIV infection is increasing rapidly in Asia, particularly in South and South-East Asia, and in the Caribbean, and that it threatens the political, economic and social sustainability of these regions, while

¹ Adopted on 13 June 2000.
recognizing that in the rest of the world a complacent attitude cannot be adopted and efforts on prevention reduced,

Recognizing the effects of HIV/AIDS on the world of work: discrimination in employment, social exclusion of persons living with HIV/AIDS, additional distortion of gender inequalities, increased number of AIDS orphans, increased incidence of child labour, and the retention of older persons in the labour force,

Recognizing that HIV/AIDS threatens decent work in an all-embracing manner, and noting that HIV/AIDS has adversely impacted on economic growth and employment in all sectors of the economy, depleted human resources, challenged social security and health systems, and threatened occupational health and safety systems,

Recognizing that the spread of AIDS can be prevented, including through actions at the level of the workplace, and that it is possible, by a multidimensional, integrated, sustained and coordinated international response, to prevent its spread and protect those who live with it and its consequences, including the families and communities affected,

Noting that a number of important initiatives have already been undertaken, including those by the United Nations organs and specialized agencies,

Recognizing that the non-availability and limited access to HIV/AIDS-related drugs and treatments at affordable costs in developing countries also has further accentuated the spread of the disease in those countries,

Recalling the adoption by the International Labour Conference of relevant and related instruments, including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Health Services Convention, 1985 (No. 161),

Also recalling the adoption by the International Labour Conference of the Declaration on Fundamental Principles and Rights at Work, in 1998,

Noting the effect of some structural adjustment programmes on public health structures and services, education and social protection systems,

Recognizing the enormous potential of employers' and workers' organizations, in partnership with governments, to contribute to the fight against the spread of HIV/AIDS and to support the needs of workers living with HIV/AIDS;

1. Calls upon the governments of member States and, where applicable, employers' and workers' organizations to:
   (a) raise national awareness, including by involving other concerned groups as appropriate, particularly of the world of work, with a view to eliminating the stigma and discrimination attached to HIV/AIDS, as well as to fight the culture of denial, and thereby preventing the spread of HIV/AIDS;
   (b) strengthen the capacity of the social partners to address the pandemic;
   (c) strengthen occupational safety and health systems to protect groups at risk;
   (d) formulate and implement social and labour policies and programmes that mitigate the effects of AIDS;
   (e) effectively mobilize resources;

2. Requests the Governing Body of the International Labour Office to instruct the Director-General to:
   (a) continue and intensify, where appropriate, research on action to be taken and behaviours to be adopted in dealing with HIV/AIDS at the workplace;
   (b) present, within the framework of the discussion of the Programme and Budget for 2002-03, a proposal regarding a meeting of experts which will develop international guidelines on action to be taken and behaviour to adopt on HIV/AIDS at the workplace;
   (c) collaborate with concerned international organizations in order to avoid duplication of efforts;
expand its capacity to deal with HIV/AIDS at the workplace, especially in its multidisciplinary teams;

(e) undertake research and surveys to determine the implications of HIV/AIDS for the world of work;

(f) document and disseminate all useful information on national experiences including examples of good practices on HIV/AIDS at the workplace;

(g) engage in advocacy and training on HIV/AIDS and the world of work;

(h) strengthen the capacity of the social partners to formulate and effectively implement policies, programmes and activities at the national and enterprise levels.

III

Resolution concerning human resources training and development

The General Conference of the International Labour Organization, meeting at its 88th Session, 2000,

Having undertaken a general discussion on the basis of Report V, "Training for employment: Social inclusion, productivity and youth employment";

Adopts the following conclusions and invites the Governing Body to request the Director-General to give due consideration to them for the future work of the Office and to take them into account when preparing the programme and budget for the 2002-03 biennium.

Conclusions concerning human resources training and development

1. A critical challenge that faces human society at the start of the twenty-first century is to attain full employment and sustained economic growth in the global economy and social inclusivity. The ILO's framework of decent work addresses both the quality and quantity of employment and provides a basis for new education and training policies and strategies. Human resources development, education and training contribute significantly to promoting the interests of individuals, enterprises, economy and society. By making individuals employable and informed citizens, human resources development and training contribute to economic development and to achieving full employment and promoting social inclusion. They also help individuals to gain access to decent work and good jobs, and escape poverty and marginalization. Education and skills formation could lead to less unemployment and to more equity in employment. The economy and society at large, like individuals and enterprises, benefit from human resources development and training. The economy becomes more productive, innovative and competitive through the existence of more skilled human potential. Human resources development and training also underpin the fundamental values of society – equity, justice, gender equality, non-discrimination, social responsibility, and participation.

2. Technological changes, changes in financial markets, the emergence of global markets for products and services, international competition, dramatic increases in foreign direct investment, new business strategies, new management practices, new forms of business organization and of the organization of work are among the more significant developments that are transforming the world of work. Many of these developments are also components of globalization which is the name given to the various processes producing the dramatically increased integration of economic activity in the world today. These developments offer both opportunities and challenges for enterprises, workers and countries. For enterprises increased competition has meant more winners and losers. For countries globalization has increased both national development and disadvantages as globalization has exacerbated differences in the relative

1 Adopted on 14 June 2000.
advantages of countries. For some workers these developments have resulted in career opportunities or successful self-employment, improved living standards and prosperity but for other workers they have resulted in job insecurity or unemployment, declining living standards and poverty. Many of these developments are dramatically increasing the importance of the application of human knowledge and skills to economic activity. Human resources development, education and training are necessary and essential elements required to take both full advantage of the opportunities and to rise to the challenges of these developments for enterprises, workers and countries. There is a growing recognition that globalization has a social dimension that requires a social response. Education and training are components to both the economic and social response to globalization.

3. Education and training cannot alone address this challenge, but should go hand-in-hand with economic, employment and other policies to establish, in an equitable manner, the new knowledge and skills-based society in the global economy. Education and training have distinct but converging outcomes as society is changing. They have both a dual rationale: develop skills and knowledge that will help countries, enterprises and individuals utilize the new opportunities and enhance the employability, productivity and income-earning capacity of many population groups that have been adversely affected by globalization and changes in society at large. Education and training are necessary for economic and employment growth and social development. They also contribute to personal growth and provide the foundation of an informed citizenry. Education and training are means to empower people, improve the quality and organization of work, enhance citizens’ productivity, raise workers’ incomes, improve enterprise competitiveness, promote job security and social equity and inclusion. Education and training are therefore a central pillar of decent work. Education and training help individuals become more employable in rapidly changing internal and external labour markets.

4. Human resources training and development are fundamental, but are by themselves insufficient to ensure sustainable economic and social development, or resolve the aggregate employment challenge. They should be coherent and form an integrated part of comprehensive economic, labour market and social policies and programmes that promote economic and employment growth. Policies that expand aggregate demand in the economy such as macroeconomic and other measures must be combined with supply-side policies, e.g. science and technology, education and training, and industrial and enterprise policies. Appropriate fiscal policies, social security and collective bargaining are among the means to distribute these economic gains on a fair and equitable basis, and constitute basic incentives to invest in training. Pursuing these integrated policies requires consideration of a new financial and social architecture for the global economy, a subject for ILO research.

5. It is the task of basic education to ensure to each individual the full development of the human personality and citizenship; and to lay the foundation for employability. Initial training develops further his or her employability by providing general core work skills, and the underpinning knowledge, and industry-based and professional competencies which are portable and facilitate the transition into the world of work. Lifelong learning ensures that the individual’s skills and competencies are maintained and improved as work, technology and skill requirements change; ensures the personal and career development of workers; results in increases in aggregate productivity and income; and improves social equity. Both in developed countries as well as in developing countries there are many workers without the basic skills for literacy and numeracy. National and international strategies have to be developed to eliminate illiteracy, based on concrete targets, benchmarks and quality assessment.

6. Education and training of high quality are major instruments to improve overall socio-economic conditions and to prevent and combat social exclusion and discrimination, particularly in employment. In order to be effective they must cover everyone, including disadvantaged groups. Therefore, they must be carefully targeted at women and persons with special needs,
including rural workers; people with disabilities; older workers; the long-term unemployed; including low-skilled workers; young people; migrant workers; and workers laid off as a result of economic reform programmes, or industrial and enterprise restructuring. In addressing the needs of these groups, particularly of young people, access to a combination of formal, off-the-job, and workplace learning should be systematically offered and developed as it provides for effective learning outcomes and increases the chance of entering the labour market.

7. Training can be one of the instruments that, together with other measures, address the challenge of the informal sector. The informal sector is not a sector in the traditional sense of economic classification but a name given to the economic activity of persons in a variety of situations, most of which are survival activities. Informal sector work is unprotected work that is, for the most part, characterized by low earnings and low productivity. The role of training is not to prepare people for the informal sector and keep them in the informal sector; or to expand the informal sector; but rather it should go in conjunction with other instruments, such as fiscal policies, provision of credit, and extension of social protection and labour laws, to improve the performance of enterprises and the employability of workers in order to transform what are often marginal, survival activities into decent work fully integrated into mainstream economic life. Prior learning and skills gained in the sector should be validated, as they will help the said workers gain access to the formal labour market. The social partners should be fully involved in developing these programmes.

8. Education and training are a right for all. Governments, in cooperation with the social partners, should ensure that this right is universally accessible. It is the responsibility of all persons to make use of the opportunities offered. Free universal, quality public primary and secondary education must be made available to all children, and they should not be denied sustained access to education through child labour. Education cannot be separated from training. Basic and secondary education is the foundation on which an effective vocational education and training system should be built. Good quality basic education and initial training, availability of adult and second chance education, together with a learning culture, ensure high levels of participation in continuous education and training. Qualified teachers and trainers are the fundamental key to providing quality education for helping children and adults reach high standards in academic and vocational competencies. Their recruitment, remuneration, education, training and retraining, assignment and provision of adequate facilities are critical elements of any successful educational system.

In addition to education and training, career guidance and job placement services (career development services) embracing career education, career counselling, employment counselling and educational, vocational and labour market information, all have a crucial role to play in human resources development. The fostering of a career development culture throughout education, training systems as well as employment services is a means to promote continuous learning. The development of this culture among youth and adults will be of particular importance for ensuring their employability and facilitating their transition from education and training to work or further training.

9. Employability is defined broadly. It is a key outcome of education and training of high quality, as well as a range of other policies. It encompasses the skills, knowledge and competencies that enhance a worker's ability to secure and retain a job, progress at work and cope with change, secure another job if she/he so wishes or has been laid off, and enter more easily into the labour market at different periods of the life cycle. Individuals are most employable when they have broad-based education and training, basic and portable high-level skills, including teamwork, problem solving, information and communications technology (ICT) and communication and language skills, learning to learn skills, and competencies to protect themselves and their colleagues against occupational hazards and diseases. This combination of skills enables them to adapt to changes in the world of work. Employability also covers multiple skills that are essential to secure and retain decent work.
Entrepreneurship can contribute to creating opportunities for employment and hence to employability. Employability is, however, not a function only of training – it requires a range of other instruments which results in the existence of jobs, the enhancement of quality jobs, and sustainable employment. Workers' employability can only be sustained in an economic environment that promotes job growth and rewards individual and collective investments in human resources training and development.

10. There is tripartite and international consensus about guaranteeing universal access of all to, and increasing and optimizing overall investment in, basic education, initial training and continuous training. Discrimination which limits access to training should be combated both by anti-discrimination regulations as well as by common action of social partners. These principles have been endorsed already in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the Governing Body, 1977. The Committee endorsed the core commitments made in the Cologne Charter of the Group of Eight leading industrialized nations (G8) in 1999 calling for renewed commitment of all partners to lifelong learning: "... by governments, investing to enhance education and training at all levels; by the private sector, training existing and future employees; by individuals, developing their own abilities and careers". However, structural adjustment programmes, restrictive fiscal policies, low wages, debt repayment obligations, decline of development assistance flows, competitive price pressures on enterprises and lack of resources of large sections of the population in a number of cases induce governments, enterprises and individuals to under-invest in education and training. Furthermore, market uncertainties, poaching of skills by other enterprises and the growth of insecure forms of work and consequential high turnover of staff may reduce enterprises' incentives to invest in training. This is especially true for the least developed countries, most of which are in Africa, given their dire socio-economic situation. The culture of developing, on a continuous basis, individual and collective skills for enhanced productivity and employability in a rapidly changing environment has to be improved further.

11. The cost of education and training should be seen as an investment. Increasing this investment can be fostered by recognizing that investing in education and training can be a shared responsibility of both the public and private sector. Government must always assume the primary responsibility for investing in basic education and initial training, and it should also invest in other forms of training. Government must also share the greatest responsibility for investments directed at groups where combating social exclusion or discrimination is an important objective. With respect to the responsibility of individuals, the government must also share responsibility in order that access not be denied on financial grounds and to the detriment of the broader interest of society. Government, as an employer, must also assume responsibility to invest in training. With respect to the private sector, the responsibilities of both enterprises and individuals should be recognized and, where appropriate, encouraged. These responsibilities are especially appropriate with respect to investment in workplace-based and continuous education, which can raise workers' employability and the competitiveness of enterprises. The organization and implementation of private sector responsibilities in this area can best be accomplished through partnerships between the government and enterprises, between government and the social partners or between the social partners. Ensuring increased investment for SMEs is especially suitable to a partnership approach.

12. There is no universal model of investing in training. Governments should create a general economic environment and incentives conducive to encourage individuals and enterprises to invest individually or jointly in education and training. This investment and the responsibility for it should generally be determined by the objectives of training, e.g. individual, enterprise or societal objectives. Countries can use different ways and means to foster investment in training and increase resources for training. Enterprises have a critical role to play in investment in training. A number of mechanisms used in combination to further investment in training and to guarantee access are
required. These may include levy systems on enterprises accompanied by public grants, establishment of training funds, various incentives for training and learning, e.g. tax rebates, training credits, training awards, individual training accounts, collective and individual training rights, sabbatical leave, collective training agreements and emulation of national and international best practices of investing in training. The chosen mechanisms should take into account the special needs of the SMEs. Where levies are the chosen mechanism for funding training, the governance of funding distribution should be tripartite, or where these are agreed by the social partners, such governance should be bipartite. Decisions regarding government policies on education and training should be based on genuine tripartite dialogue and give the tripartite partners the opportunity to develop the best ways and means to increase investments in training. Measures such as the provision of childcare facilities are needed to facilitate access to training.

One means of encouraging countries and companies to increase current efforts to invest in training and to provide a measurable and comparative basis towards which we can all endeavour is to develop benchmarks. The ILO should develop a database on current expenditures on vocational and continuing training, and suggest a series of benchmarks on investment in training, possibly differentiated for different regions of the world, size of companies or sector of industry, as a mirror and point of orientation for countries, sectors, and companies.

13. Flatter hierarchical structures, and devolved decision-making, initiative and control, also widen the need for higher-level skills and training, and result in increased responsibility for workers. ICT is accelerating these management trends and changes in the world of work in general.

ICT has the potential to improve enormously people’s access to quality education and training, including in the workplace. There is however a danger that these technologies may create a “digital divide” and worsen existing inequalities in education and training between urban and rural areas, between rich and poor, between those who possess and those who lack literacy and numeracy skills and between developed and developing countries. Countries should expand their investment in the infrastructure needed for use of ICT, in education and training hardware and software, and in the training of teachers and trainers. Such investments should be undertaken by both the public and private sectors, and make use of collaborative local, national and international networks. Governments may also provide incentives for the private sector and individuals to encourage computer literacy and to develop new communication skills. New modes and methods need to be deployed for training and learning when using ICT.

Distance-learning methods can be used to make training available at convenient times, at accessible places or at reduced costs. Distance learning should not replace all other learning or teaching methods but can be a valuable part of the total teaching tools available. Distance learning should, as far as possible, be combined with traditional training methods in order to avoid a sense of isolation of the learner. The social framework for training needs to be adapted to these new forms of training.

14. The many driving forces, as mentioned in paragraph 2, have a significant impact on organization and working methods of companies. Also, new sectors are emerging, many of them based on the use of ICT products and services, including the Internet. All this increases demand for new skills and competencies, including personal skills and ICT competencies. Education and training need to respond to these new demands, both those related to ICT and those related to changing work organization.

15. Electronic networking provides opportunities for learners to assist each other more actively, for learners to be more active in the training and education process, and for formal and non-conventional teaching methods to be utilized. In order to apply ICT in training, trainers must master these technologies and be systematically trained. Teaching methods need to be updated to accommodate the teaching of new developments in ICT, new types of
organization of schools should be devised to take full advantage of ICT; and the individual needs to learn self-learning methods. New training is needed to provide trainers and individuals with these skills. Enterprises may provide ICT facilities or support schemes for workers for the use of ICT at home or in general, and to schools or other training providers, in order to promote the diffusion of ICT skills and access in society. Appropriate government incentives could facilitate this development.

16. For many developing countries, the challenges are much more basic. Societies with huge and growing levels of adult illiteracy, and massive debt crises, will not be able to design, fund or implement the modern education and training policies which are prerequisites for development and economic growth. In the age of the knowledge society, 884 million adults are illiterate, unable to operate effectively even with the intellectual tools of the “old economy”. UNESCO estimates that, in the least developed countries, while 144 million adults were illiterate in 1985, by 2005 this will rise to 188 million – in other words, the number of illiterate adults will grow by 30 per cent in the least developed countries. Additionally, structural adjustment programmes have in specific instances operated to reduce public investment in education, thus further weakening the longer term capacity for economic growth and development.

Much of the developing world lack access to the physical infrastructure through which much of the new knowledge is pulsing. The lack of electricity and telephones, the cost of computers and Internet access, all contribute to deprive citizens, enterprises and workers in developing countries from benefiting from the ICT revolution, and create the conditions for a “digital divide” to grow between countries. Developing countries should make greater efforts to invest in ICT and to develop ICT-appropriate methods of teaching rather than simply adding computers to existing teaching methods.

The international community should, as part of creating the conditions for skills formation in the least developed economies, undertake bold and substantial debt relief, or, where appropriate, debt cancellation; help mobilize resources for programmes to secure basic literacy and numeracy and the development of communication and information infrastructure; and assist with training in the new information and communication technologies. This is a direct challenge to the ILO and international development agencies.

Multinational corporations should be encouraged to agree fair technology transfer agreements, to develop local high-level skills in developing countries, and to help create the infrastructure for the new knowledge economy. The contributions to development that multinational companies can make through training as elaborated in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy should be recalled.

These measures, taken together, contribute to developing the economies and societies of the poorest parts of the world. They provide a ladder through which developing countries can move up the value chain in production, making goods and providing services which add significant economic value, and which receive significant economic return in the global economy. Education and training is one of the packages of measures to leapfrog from underdevelopment to the information society.

In developing an education and training base in developing countries, the existence of new technology can open up new possibilities and possibly save costs on more traditional methods. This is a major challenge for the developing countries to invest in ICT and develop appropriate policies.

Closer collaboration is needed between the ILO, UNESCO and other international organizations; regional organizations, such as the EU and MERCOSUR; and donor countries that place high priority on human resources development and training. It should also work more closely with international financial institutions such as the International Monetary Fund, the World Bank, and regional development banks, to ensure that structural adjustment programmes do not inhibit investments in education and training. Greater national and international efforts also should be made to eradicate illiteracy worldwide. All of these measures and support can only be effective if the
developing countries make efforts to set up policies and programmes to promote economic growth and develop their human talent.

17. The development of a national qualifications framework is in the interest of enterprises and workers as it facilitates lifelong learning, helps enterprises and employment agencies match skill demand with supply, and guides individuals in their choice of training and career. The framework should consist of a number of elements: appropriate, transferable, broad and industry-based and professional competency standards, established by the social partners, that reflect the skills required in the economy and public institutions, and vocational and academic qualifications; and a credible, fair and transparent system of assessment of skills learned and competencies gained, irrespective of how and where they have been learned, e.g. through formal and non-formal education and training, work experience and on-the-job learning.

Every person should have the opportunity to have his or her experiences and skills gained through work, through society or through formal and non-formal training assessed, recognized and certified. Programmes to compensate for skill deficits by individuals through increased access to education and training should be made available as part of recognition of prior learning programmes. Assessment should identify skill gaps, be transparent, and provide a guide to the learner and training provider. The framework should also include a credible system of certification of skills that are portable and recognized across enterprises, sectors, industries and educational institutions, whether public or private.

The assessment methodology should be fair, linked to standards, and be non-discriminatory. Potential hidden discrimination should be actively guarded against. For example, the shift to the service sector, with an overall stronger female component, often relies on greater communication and problem-solving skills, which are not always explicitly recognized. Similarly, testing systems conducted in an individual’s second language sometimes distort results of technical and other skills possessed. New forms of work organization often shift the skills requirements within an enterprise. For example, flatter managerial structures are predicated on shifting certain responsibilities from management to the workforce. These should result in explicit recognition of the new competencies required by the workforce under these circumstances; and reward systems have to take these into account.

The vocational qualifications system should be tripartite, offer access to workers and anybody wanting to learn, should cover public and private training providers and be updated on a continuous basis. It should ensure multiple entry and exit points in the education and training system during a worker’s career. The ILO should develop a database on best practices in developing a national qualifications framework, conduct a general study on the comparability of different national qualifications frameworks based on this database, and undertake research into recognition of prior learning.

18. Trade unions and employer associations may also contribute to training by managing their own training institutions and providing education for their members. Particularly at the sector and enterprise levels, collective bargaining can set appropriate conditions for the organization and implementation of training. Such collective bargaining could encompass issues such as:

- skills required by the enterprise and the economy;
- training necessary for workers;
- assessment of basic skills and skills gained either in the workplace or during individual or associative activities;
- development of career paths for workers;
- personal training and development plans for workers;
- facilities needed to allow the maximum benefits from training;
- recognition and reward schemes, including remuneration structuring.

19. The social partners should strengthen social dialogue on training, share responsibility in formulating education and training policies, and engage in
partnerships with each other or with governments for investing in, planning and implementing training. In training, networks of cooperation also include regional and local government, various ministries, sector and professional bodies, training institutions and providers, non-governmental organizations, etc. Government should establish a framework for effective social dialogue and partnerships in training and employment. This should result in a coordinated education and training policy at national level, and long-term strategies, which are formulated in consultation with the social partners and are integrated with economic and employment policies. It should also include tripartite, national and sector training arrangements, and provide for a transparent and comprehensive training and labour market information system. Enterprises are primarily responsible for training their employees and apprentices, but also share responsibility in initial vocational training of young people to meet their future needs.

20. The scope and effectiveness of social dialogue and partnerships in training is currently limited by the capacity and resources of actors. It varies between countries, sectors and large and small enterprises. Recent regional economic integration also brings a new dimension to social dialogue on training and the need for capacity building. There is a pressing need to raise this capacity by various means such as technical cooperation, public grants to trade union and employer organizations, and exchanging experience and best practices between countries. Education and training in industrial relations and on trade union education, business administration and the social contribution by the work and the organization of the social partners, should also be an integral part of capacity building and a part of initial and vocational training. Being a tripartite organization, the ILO should lead international cooperation to build capacities for social dialogue and partnership building in training. Additional efforts should be made for the benefit of developing countries.

21. Terms of reference for a review of the Human Resources Development Recommendation, 1975, (No. 150), should be based on the present conclusions, adopted by the International Labour Conference at its 88th Session, 2000, the conclusions of the Cologne Charter 1999, and the statements on this subject jointly made by international employer and trade union organizations; and should include the following:

1) address training and education needs in the modern world of work in both developing and developed countries, and promote social equity in the global economy;

2) advance the decent work concept through defining the role of education and training;

3) promote lifelong learning, enhance employability of the world’s workers, and address the economic challenges;

4) recognize the various responsibilities for investment and funding of education and training;

5) promote national, regional and international qualifications frameworks which include provisions for prior learning;

6) improve access and equity of opportunity for all workers to education and training;

7) build the capacity of the social partners for partnerships in education and training;

8) address the need for increased technical and financial assistance for the less advantaged countries and societies.

Recommendation No. 150 should be revised in order to reflect the new approach to training. Although some aspects of the Recommendation are still valid, others have lost their relevance. There is a need for a more dynamic instrument that is more applicable and used by member States and the social partners in formulating and implementing human resources development policies, integrated with other economic and social policies, particularly employment policies. A new recommendation should be complemented by a
practical guide and database that can be renewed on a continuous basis by the Office as part of its normal work.

IV
Resolution concerning the deposit of an act of formal confirmation by the ILO of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations

The General Conference of the International Labour Organization,
Noting that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, adopted under the aegis of the United Nations on 21 March 1986, was signed on behalf of the International Labour Organization on 31 March 1987 pursuant to Article 82(c) of that Convention,
Having considered and approved the provisions of that Convention;
Authorizes the Director-General to deposit, on behalf of the International Labour Organization, an act of formal confirmation of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, pursuant to its Article 33.

V
Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Safety and health in agriculture”

The General Conference of the International Labour Organization,
Having adopted the report of the Committee appointed to consider the sixth 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 agriculture;
Decides that an item entitled “Safety and health in agriculture” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.

VI
Resolution concerning the arrears of contributions of the Republic of Kazakhstan

The General Conference of the International Labour Organization,
Having regard to paragraph 7 of article 10 of the Financial Regulations;
Accepts the arrangement proposed by the Government of the Republic of Kazakhstan for the settlement of its arrears of contributions due for the period 1993-99 to the effect that:
(a) in 2000, the Government of the Republic of Kazakhstan will pay in full its contribution for the year 2000;
(b) in subsequent years, the Government of the Republic of Kazakhstan will continue to pay its current contribution in full in the year for which it is due;
(c) the Government of the Republic of Kazakhstan will settle arrears that have accumulated up to and including 31 December 1999, amounting to

1 Adopted on 12 June 2000.
2 Adopted on 15 June 2000.
3 Adopted on 13 June 2000 by 302 votes in favour, with 4 abstentions.
5,146,707 Swiss francs, by payment, beginning in 2001, of 19 annual instalments of 257,335 Swiss francs and a final instalment of 257,342 Swiss francs;

Decides that the Republic of Kazakhstan shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

VII

Resolution concerning the arrears of contributions of Ukraine

The General Conference of the International Labour Organization,
Having regard to paragraph 7 of article 10 of the Financial Regulations;
Accepts the arrangement proposed by the Government of Ukraine for the settlement of its arrears of contributions due for the period 1997-99 to the effect that:
(a) in 2000, the Government of Ukraine will pay in full its contribution for the year 2000;
(b) in subsequent years, the Government of Ukraine will continue to pay its current contribution in full in the year for which it is due;
(c) the Government of Ukraine will settle arrears that have accumulated up to and including 31 December 1999, amounting to 7,911,805 Swiss francs, by payment, beginning in 2000, of 14 annual equal instalments of 527,454 Swiss francs, with a final instalment of 527,449 Swiss francs;

Decides that Ukraine shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

VIII

Resolution concerning the arrears of contributions of the Republic of Liberia

The General Conference of the International Labour Organization,
Having regard to paragraph 7 of article 10 of the Financial Regulations;
Accepts the arrangement proposed by the Government of Liberia for the settlement of its arrears of contributions due for the period 1991-99 to the effect that:
(a) in 2000, the Government of Liberia will pay in full its contribution for the year 2000;
(b) in subsequent years, the Government of Liberia will continue to pay its current contribution in full in the year for which it is due;
(c) the Government of Liberia will settle arrears that have accumulated up to and including 31 December 1999, amounting to 238,377 Swiss francs, by payment, beginning in 2001, of 19 annual instalments of 11,919 Swiss francs and a final instalment of 11,916 Swiss francs;

Decides that the Republic of Liberia shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

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1 Adopted on 13 June 2000 by 306 votes in favour, with 1 against.
2 Adopted on 13 June 2000 by 294 votes in favour, 2 against, with 2 abstentions.
IX

The General Conference of the International Labour Organization;

X
Resolution concerning treatment of the 1998–99 cash surplus

The General Conference of the International Labour Organization,
Noting that for the 1998-99 biennium an excess of regular budget income over regular budget expenditure has resulted in a cash surplus of 41,711,581 Swiss francs (equivalent to US$27,262,471 at the 2000-01 budget rate of exchange of 1.53 Swiss francs to the US dollar);
Decides, as an exceptional one-time measure and in derogation of article 18.2 of the Financial Regulations, to finance the establishment of an Information Technology Systems Fund in an amount of 38,250,000 Swiss francs (US$25 million) from the cash surplus;
Notes that, taking into account the above appropriation, the amount available under article 18.2 of the Financial Regulations for reducing the assessed contributions of member States will be 3,461,581 Swiss francs.

XI
Resolution concerning the assessment of contributions of new member States

The General Conference of the International Labour Organization;
Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the contribution of the Republic of Kiribati to the ILO budget for the period of its membership in the Organization in 2000 and 2001 be based on an annual assessment rate of 0.001 per cent.

XII
Resolution concerning the scale of assessments of contributions to the budget for 2001

The General Conference of the International Labour Organization;
Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, to adopt the draft scale of assessments for the year 2001 as set out in column 3 of Appendix II to this report.

XIII
Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization

The General Conference of the International Labour Organization;
Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointment of Mr. Seydou Ba (Senegal) and that of Mr. James K. Hugessen (Canada) for a term of three years;

1 Adopted on 12 June 2000.
Expresses its appreciation to Mr. Julio Barberis for the services which he has rendered to the work of the Administrative Tribunal of the International Labour Organization over the last five years;

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to appoint as judges of the ILO Administrative Tribunal for a term of three years with effect from July 2000, Ms. Flerida Ruth P. Romero and Ms. Hildegárd Rondón de Sansó.
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DELEGATIONS
Supplément au Compte rendu provisoire (14 juin 2000)

Conférence internationale du Travail
Quatre-vingt-huitième session, Genève

DÉLÉGATIONS

Supplement to the Provisional Record (14 June 2000)

International Labour Conference
Eighty-eighth Session, Geneva

DELEGATIONS

Suplemento de Actas Provisionales (14 de junio de 2000)

Conferencia Internacional del Trabajo
Octogésima octava reunión, Ginebra

DELEGACIONES
La liste des délégations est présentée sous une forme trilingue dans l'ordre alphabétique français des pays représentés à la Conférence.

Toutes les informations concernant les noms des pays ou des organisations sont données en français, anglais et espagnol.

Les autres informations essentielles (titres et qualités des participants à la Conférence tels qu'ils figurent dans les pouvoirs officiels et fonctions exercées à la Conférence) sont indiquées dans une seule de ces langues: celle que doit utiliser le Bureau international du Travail dans la correspondance officielle avec le pays dont relève la personne intéressée.

The list of delegations is presented in trilingual form, in the French alphabetical order of the countries represented at the Conference.

All details relating to the names of countries and organizations are given in French, English and Spanish.

Other essential details (titles, positions or functions of participants as indicated in the official credentials and the Conference status of participants) are given in the language used for official correspondence between the ILO and the country in question.

En la lista trilingüe de delegaciones los países representados en la Conferencia figuran en orden alfabetico francés.

Figuran en francés, inglés y español los nombres de los Estados y organizaciones asistentes a la Conferencia.

Por el contrario, los demás datos (títulos, profesiones y cargos de los participantes, tal como figuran en los poderes oficiales, y funciones ejercidas en la Conferencia) aparecen en la lengua utilizada por la Oficina Internacional del Trabajo para sus comunicaciones oficiales con el correspondiente Estado.
Les noms, titres et qualités figurant dans la liste des délégations correspondent aux indications fournies dans les pouvoirs officiels. Toute demande de rectification d’erreurs matérielles (*erreurs typographiques, fautes d’orthographe, etc.*) pourra être déposée au Bureau de renseignements pour qu’il en soit tenu compte dans l’édition révisée de la liste. Toute demande de modification, d’adjonction ou de suppression, etc., concernant les titres, qualités, fonctions ou statut à la Conférence indiqués dans la liste devra être adressée, sous forme de pouvoirs officiels signés par le ministre du Travail, le ministre des Affaires étrangères, le chef de la mission permanente à Genève ou le chef de la délégation du pays intéressé, au secrétariat de la Commission de vérification des pouvoirs (bureau A-241).

The names and designations appearing in the list of delegations are those given in the official credentials. Requests for correction of material errors (*misprints, wrong spellings, etc.*) can be handed in at the Information Desk and will be taken into account in a revised edition of the list. Any requests for modifications, additions, deletions, etc., concerning the titles, positions, functions or Conference status indicated in the list must be addressed, in the form of official credentials signed by the Minister of Labour, the Minister of Foreign Affairs, the head of the Permanent Mission in Geneva or the head of the delegation of the country concerned, to the secretariat of the Credentials Committee (office A-241).

Los nombres, títulos y cargos que figuran en la lista de delegaciones son los que constan en los poderes oficiales. Toda solicitud de rectificación de errores de carácter material (*tipográficos, ortográficos, etc.*) deberá presentarse en la Oficina de Información para poder tenerla en cuenta en la edición revisada de la lista. Las solicitudes de modificación, adición, supresión, etc., de los títulos, profesiones, cargos o funciones en la Conferencia que figuren en la lista deberán dirigirse, en forma de poderes oficiales firmados por el Ministro del Trabajo, el Ministro de Relaciones Exteriores, el jefe de la Misión permanente en Ginebra o el jefe de la delegación del país interesado, a la secretaría de la Comisión de Verificación de Poderes (despacho A-241).
Afghanistan

Délégué gouvernemental

TANDAR, Humayun, M., Ministre conseiller, Chargé d'affaires, Mission permanente à Genève.

Afrique du Sud

Minister attending the Conference

MDLADLANA, M.M.S., Mr., Minister of Labour.

Person accompanying the Minister

QHAKUMFANA, N., Ms., Personal Assistant to the Minister of Labour.

Government Delegates

RAMASHIA, E.R., Mr., Advocate, Director-General, Department of Labour.
KETTLEDAS, L., Mr., Deputy Director-General, Department of Labour.

Advisers and substitute delegates

LUSENGA, L., Ms., Counsellor (Labour), Permanent Mission, Geneva.
MATLHAKO, S., Ms., Assistant Director, International Relations, Department of Labour.

Advisers

BUNSEE, U., Mr., Head, Legal Services, Department of Labour.
NENE, T., Ms., Provincial Director, KwaZulu Natal.
LEPOQO, J., Mr., Inspector Level 3, Integrated Inspection Service, OHS Free State.
NENE, G.S., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
MONTWEDI, P., Mr., Counsellor, Permanent Mission, Geneva.
MABHONGO, X., Mr., First Secretary, Permanent Mission, Geneva.
NAIKA, R., Ms., Second Secretary, Permanent Mission, Geneva.

Workers' Delegate

PATEL, Ebrahim, Mr., National Labour Convenor, COSATU.

Advisers and substitute delegates

NGCUKANA, Cunningham, Mr., General Secretary, NACTU.

Advisers

GROBLER, L.P., Mr., Vice-President, FEDUSA.
NZIMANDE, Fundi, Ms., COSATU.
MOROKONG, Mopholosi, Mr., NACTU.

Other persons attending the Conference

THABETHE, Elizabeth, Ms., National Assembly Portfolio Committee on Labour.
DEXTER, Phillip, Mr., Executive Director, NEDLAC.

Albania

Government Delegates

LEKA, Gjergji, Mr., Deputy Minister of Labour and Social Affairs.
KRISAFI, Ksenofon, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

BENDO, Genti, Mr., First Secretary, Permanent Mission, Geneva.
MUÇAJ, Gjergji, Mr., Director, Department of Labour Relations, Ministry of Labour and Social Affairs.
PRENGA, Aleksander, Mr., Desk-Officer, Department of Foreign Relations, Ministry of Labour and Social Affairs.

Employers' Delegate

SALIAJ, Ylvi, Mr., Deputy Director, General Directorate, AlbTelekom ShA.
Adviser and substitute delegate
ARQIMANDRITI, Andrea, Mr., Adviser, General Directorate, AlbTelekom.

Workers' Delegate
LLUBANI, Xhevdet, Mr., President, Albanian Independent Association of Trade Unions (BSPSH).

Advisers
RADA, Lulezim, Mr., Adviser, BSPSH.
ÇELA, Shkelqim, Mr., Adviser, National Trade Union of Agriculture and Food.
XHANGOLLI, Gramoz, Mr., Advisor.

Algérie Algeria Argelia

Ministre assistant à la Conférence
BOUGUERRA, Soltani, M., Ministre du Travail et de la Protection sociale.

Personne accompagnant le Ministre
GUERIRA, Djamel, M., Chargé du protocole, Ministère du Travail.

Délégués gouvernementaux
DEMBRI, Mohamed-Salah, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Conseillers techniques et délégués suppléants
MESSAOUI, Mahiddine, M., Ministre, Ministère des Affaires étrangères.
BENFREHA, Nor-Eddine, M., Conseiller, Mission permanente à Genève.
KHEDDACHE, Wahiba, Mme, Chargée d'Etudes et de Synthèse, Ministère du Travail.
MEGREROUCHE, Mouloud, M., Directeur des Etudes juridiques, des Contentieux et de la Coopération, Ministère du Travail.
BOULOUACHE, Abdelatif, M., Chargé d'Etudes et de Synthèse, Ministère du Travail.
BENBOUZID, Bachir, M., Sous-Directeur, Inspection générale du Travail.

Conseiller technique
BELLAHSENE, Zahir, M., Directeur des relations du Travail, Ministère du Travail.

Délégué des employeurs
YOUSFI, Habib, M., Président, Confédération générale des opérateurs économiques (CGEOA).

Conseillers techniques
HABCHI, Amar, M., CGEOA.
ABDELLAOUI, Sid Ali, M., CGEOA.
MEGATELI, El-Mahfoudh, M., CGEOA.
BOUROUIS, Ahcène, M., CGEOA.
ALLAOUA, Zine, M., CGEOA.
DENNOUNI, Abdelmadjid, M., CGEOA.
KOURAT, Mahmoud, M., CGEOA.
BOUKHLOUF, El Hadi, M., CGEOA.
NAÏT-ABDELAZIZ, Mohamed Said, M., Président, Confédération nationale du patronat algérien (CNPA).
SAHARI, Djelloul, M., CNPA.
AÏT-AHCENE, Hocine, M., CNPA.
BENAOUIDA, Bahous, M., CNPA.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)
ABERKANE, Mohamed Arezki, M., CNPA.
BENYOUNES, Ahcène, M., Président, Union nationale des entrepreneurs algériens (UNEP).
MEK IDECHE, Mustapha, M., Vice-président, UNEP.
BENALI, Mohamed Arezki, M., UNEP.
BENDRIS, Brahim, M., Vice-président, Confédération algérienne des employeurs (CAP).

Délégué des travailleurs
MALKI, Abdelkader, M., Secrétaire national, UGTA.

Conseillers techniques et délégués suppléants
BENATIA, Kada, M., Secrétaire national, UGTA.
BOUCHEMOUKHA, Mokhtar, M., Secrétaire national, UGTA.

Allemagne Germany Alemania

Minister attending the Conference
RIESTER, Walter, Mr., Federal Minister of Labour and Social Affairs.

Persons accompanying the Minister
BRANDNER, Klaus, Mr., Member, Committee on Labour and Social Affairs, Federal Parliament.
KUMP, Ute, Ms., Member, Committee on Labour and Social Affairs, Federal Parliament.
LEWALTER, Walter, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
FREY, Martin, Mr., Secretary, Committee on Labour and Social Affairs, Federal Parliament.
POMPE, Peter, Mr., Head of Section, Federal Ministry of Labour and Social Affairs.
BALTRUSCH, Hartmut, Mr., Executive Assistant of the Minister.

**Government Delegates**

OHNDORF, Wolfgang, Mr., Director General, European and International Social Policy Department, Federal Ministry of Labour and Social Affairs; Representative, Governing Body of the ILO.
FENDRICH, Peter, Mr., Director, International Social Policy (outside EU), Federal Ministry of Labour and Social Affairs, Substitute Representative, Governing Body of the ILO.

**Advisers and substitute delegates**

EBERLE, Hoger, Mr., Minister, Permanent Mission, Geneva.
WILLERS, Dietrich, Mr., Head, Section for ILO Affairs, Federal Ministry of Labour and Social Affairs; Substitute Representative, Governing Body of the ILO.
KLOTZ, Valentin, Mr., Permanent Mission, Geneva.

**Advisers**

ROTHEN, Peter, Mr., First Counsellor, Permanent Mission, Geneva.
HORNEFFER, Kaspar, Mr., Head of Section, Department for Labour Law and Occupational Safety and Health, Federal Ministry of Labour and Social Affairs.
STRUCK, Jutta, Ms., Head of Section, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.
DYBOWSKI, Gisela, Ms., Director, International Affairs, Federal Institute for Vocational Training.
WESSELER, Mechthild, Ms., Permanent Mission, Geneva.
LEMMER, Andreas, Mr., Deputy Head of Section, European and International Social Policy Department, Federal Ministry of Labour and Social Affairs.
WÜLLRICH, Phillip, Mr., Permanent Mission, Geneva.
KRÖNER-MOOSMANN, Ingeborg, Ms., Head of Section, Ministry of Labour.

**Employers' Delegate**

THÜSING, Rolf, Mr., Executive Board, Confederation of German Employers' Associations (BDA); Vice-Chairman, Governing Body of the ILO.

**Advisers and substitute delegates**

HESS, Christian, Mr., Deputy Director, International Social Policy and European Union Department, BDA.
WISSEKRICHEN, Alfred, Mr., Managing Director and Head, Labour Law Department, BDA.

**Advisers**

HORNUNG-DRAUS, Renate, Ms., Managing Director and Head, International Social Policy and European Union Department, BDA.

WINTERFELD, Rosemarie, Ms., Lawyer.
SAUER, Jürgen, Mr., Acting Director, Federal Association of Agricultural Employers' Associations.
GOSE, Michael, Mr., Acting Head, Central Office for Safety and Health at Work, Federal Association of Agricultural Employers' Associations.
EBERT, Reinhard, Mr., Deputy Director, Labour Market Department, BDA.
HADELER, Indra, Ms.

**Other persons attending the Conference**

HUNDT, Dieter, Mr., President, BDA.
KANNENGIESSER, Christoph, Mr., Managing Director and Head, Labour Market Department, BDA.

**Workers' Delegate**

ENGELEN-KEFER, Ursula, Ms., Vice-President, German Confederation of Trade Unions (DGB); Member, Governing Body of ILO.

**Adviser and substitute delegate**

ADAMY, Wilhelm, Mr., Federal Executive Board, Labour Market and International Social Policy Department.

**Advisers**

MUND, Horst, Mr., Federal Executive Board, European and International Trade Union Policy Department, DGB.
VON SEGGERN, Burghard, Mr., Federal Executive Board, Labour Market and International Social Policy Department, DGB.
KERSCHBAUMER, Judith, Ms., Head, Section for Social Affairs, German Salaried Employees Union, DAG.
LÜBKE, Oliver, Mr., Training Department, DGB.
LÖRCHER, Klaus, Mr., German Postal Workers' Union.
SCHEIBE, Günter, Mr., German Union of Employees in the Construction, Agriculture and Environment Sectors.

**Persons appointed in accordance with Article 2, paragraph 3(i)**

SIELAFF, Rüdiger, Mr., Friedrich-Ebert-Foundation.
SCHWEISSHELM, Erwin, Mr., Friedrich-Ebert-Foundation.
SCHILLINGER, Hubert, Mr., Friedrich-Ebert-Foundation.
WACHENDORFER, Achim, Mr., Friedrich-Ebert-Foundation.
HOFFMANN, Reiner, Mr., European Institute of Trade Unions, Bruxelles.
Angola

Ministre assistant à la Conférence
SEBASTIÃO LUKINDA, Constantino, M., Vice Ministre de l'Administration publique, de l'Emploi et de la Sécurité sociale.

Délégués gouvernementaux
LUSSOKE, David N'Gove, M., Directeur, Cabinet des Relations et de la Coopération internationales (MAPESS).
ALBINO CRUZ, Oliveira, M., Délégué provincial, KUNENE/MAPESS.

Conseiller technique et délégué suppléant
NARCISO, José, M., Deuxième Secrétaire, Ministère des Relations extérieures.

Délégué des employeurs
TIAGO GOMES, Antonio, M., Secrétaire général, CCIA.

Conseillers techniques et délégués suppléants
DOS SANTOS TEIXEIRA, Carlos Manuel, M., Administrateur, SOCIANG.
CABRAL, Valeriano Miranda Paulo, M., Cadre supérieur, SONANGOL.

Délégué des travailleurs
PEDRO GARCIA, Ana da Conceição, Mme, Secrétaire générale, Syndicat des Materiaux de Construction; Secrétaire générale adjoint, CG SILA.

Conseiller technique et délégué suppléant
GARCIA, Sousa, M., Membre, Comité exécutif, CG SILA.

Arabie saoudite

Minister attending the Conference
AL-NAMLAH, Ali Bin Ibrahim, Mr., Minister of Labour and Social Affairs.

Government Delegates
AL-MANSOUR, Ahmad Abdulrahman, Mr., Deputy Minister for Labour Affairs.
ALHADLAQ, Abdulaziz I.S., Mr., Director-General, International Organizations.

Advisers and substitute delegates
ALTEWAIJRI, Othman A., Mr., Assistant Deputy Minister for Labour Affairs.
AL-MOZAINI, Ibrahim M.H., Mr., Director-General, Minister's Office.
AL-AMMAR, Saad A., Mr., Director-General, Saudi Manpower Employment.
AL-TOOYMI, Sulaiman A., Mr., Adviser, Labour Inspection Department.
AL-ASMARI, Said S.A., Mr., Director, Assir Labour Office.
AL-AWWAD, Abdulla Mohammed, Mr., Chemist, Central Department of Labour Inspection.
ALYAHYA, Yahya N., Mr., Specialist, International Organizations Directorate.
AL-MODIHISH, Khalid S.A., Mr., Private Secretary of Minister.
AL MADI, Torki, Mr., Permanent Mission, Geneva.

Employers' Delegate
DAHLAN, Abdullah Sadiq, Mr., Member, Governing Body of the ILO.

Adviser and substitute delegate
ALKERNASS, Ibrahim Saleh, Mr., Director, Research Center, Council of Saudi Chambers of Commerce and Industry.

Workers' Delegate
AL-HAJRI, Mohammed Misned, Mr., Chief, Labour Relations Department, Saudi ARAMCO.

Adviser and substitute delegate
SALAMAH, Saad bin Nassir bin, Mr., Officer in Charge of Manpower, Training and Organization, Saudi Basic Industries Corp. (SABIC).

Argentine

Ministro asistente a la Conferencia
FLAMARIQUE, Mario Alberto, Sr., Ministro de Trabajo.

Persona que acompaña al Ministro
SANCHEZ ARNAU, Juan Carlos, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Delegados gubernamentales
SAPPIA, Jorge, Sr., Ministerio de Trabajo.
VIQUEIRA, Horacio, Sr., Ministerio de Trabajo.
Consejeros técnicos y delegados suplentes

ESPINOLA VERA, Enrique, Sr.
MIRRE, Federico, Sr., Embajador.
NASCIMBENE DE DUMONT, Norma, Sra., Ministro, Misión Permanente en Ginebra.
CERDA, Sergio, Sr., Consejero, Misión Permanente en Ginebra.
CHELIA, Pablo, Sr., Consejero, Misión Permanente en Ginebra.
MICHIEL, Eduardo, Sr., Consejero, Misión Permanente en Ginebra.
VARELA, Eduardo, Sr., Consejero, Misión Permanente en Ginebra.
KRITZ, Ernesto, Sr.
GARCÍA, Héctor, Sr.

Consejeros técnicos

GALIN, Pedro, Sr.
MARTINEZ CHAS, Juan Manuel, Sr.
FERNANDEZ, Aníbal Domingo, Sr.

Persona designada de conformidad con el artículo 2, párrafo 3. i)

VAZQUEZ, Gabriela Alejandra, Sra.

Otras personas que asisten a la Conferencia

TELL, Alberto Máximo, Sr., Senador Nacional.
LOPEZ, Alcides, Sr., Senador Nacional.
PASSO, Juan Carlos, Sr., Diputado Nacional.
DISTEFANO, Marcelo, Sr.
STOLBIZER, Margarita, Sra., Diputada Nacional.
VILLALBA, Alfredo, Sr., Diputado Nacional.
COLPACHI, Laura, Sra.
PEREZ, Fernando, Sr.
BALDRICH, Jorge Amadeo, Sr., Diputado Nacional.
ATAÑOSOF, Alfredo Néstor, Sr., Diputado Nacional.
NIEVA, Alejandro Mario, Sr., Diputado Nacional.
CAMAÑO, Graciela, Sra., Diputada Nacional.
ZABALA, Silvina Elena, Sra.

Delegado de los empleadores

RIAL, Osvaldo, Sr., Presidente, Unión Industrial Argentina.

Consejero técnico y delegado suplente

FUNES DE RIOJA, Daniel, Sr., Unión Industrial Argentina; Miembro, Consejo de Administración de la OIT.

Consejeros técnicos

HERMIDA MARTINEZ, Darío, Sr., Unión Industrial Argentina.
MANTILLA, Enrique, Sr., Unión Industrial Argentina.
ALDAO ZAPIOLA, Carlos, Sr., Unión Industrial Argentina.
ETALA, Juan José, Sr., Unión Industrial Argentina.
SPAGHI, Patricio, Sr., Unión Industrial Argentina.
BOLO, Ovidio, Sr., Cámara Argentina de Comercio.
MELEAN, Carlos, Sr., Asociación de Bancos de Argentina.
GELMI, Juan Carlos, Sr., Cámara de Actividades Mercantiles Empresariales.
SANTOCONO, Mario, Sr.
SALVAT, María Ester, Sra.
FIORE, Luis María, Sr.

Personas designadas de conformidad con el artículo 2, párrafo 3. i)

CACCIABUE, Santiago, Sr.
GHETTI, Oscar, Sr.
RIMOLDI, Ricardo, Sr.
QUADRAROLI, Enrique, Sr.
ARANOVICH, Martín, Sr.
BROWN, Carlos, Sr.
FRABOSCHI, Ricardo, Sr.

Delegado de los trabajadores

DAER, Rodolfo, Sr., Secretario General, CGT

Consejeros técnicos y delegados suplentes

GARCÍA, Juan Miguel, Sr.
RUEDA, Susana, Sra.

Consejeros técnicos

CAVALIERI, Armando, Sr.
RODRIGUEZ, Andrés, Sr.
BARRIONUEVO, Luis, Sr.
WEST OCAMPO, Carlos, Sr.
PETRECCA, Domingo, Sr.
BALDASSIINI, Ramón, Sr.
RIAL, Noemí, Sra.
GARZON MACEDA, Lucio, Sr.
TOMASSONE, Alberto, Sr.
RUIZ, Noé, Sra.

Personas designadas de conformidad con el artículo 2, párrafo 3. i)

SAEZ, Mario, Sr.
WEST OCAMPO, Federico, Sr.
MORCILLO, Héctor, Sr.
VELOSO, Simón, Sr.
ROSALES, Julio, Sr.
RIGANE, José Jorge, Sr., Secretario Interior, CTA.

Arménie Armenia Armenia

Government Delegates

NAZARIAN, Karen, Mr., Permanent Representative, Permanent Mission, Geneva.
GEVORGIAN, Arpine, Ms., Third Secretary, Permanent Mission, Geneva.
Australie  Australia  Australia

Government Delegates
DREVER, Phil, Mr., Assistant Secretary, Labour Relations Policy Branch, Department of Employment, Workplace Relations and Small Business.

STEWART, John, Mr., Director, Training and Skills Formation Section, Labour Relations Policy Branch, Department of Employment, Workplace Relations and Small Business.

Adviser and substitute delegate
BUSHELL, Jennifer, Ms., Director, Framework Equity Section, Framework Policy Branch, Department of Employment, Workplace Relations and Small Business.

Other person attending the Conference
VAN DER WAL, Eric, Mr., Counsellor, Permanent Mission, Geneva.

Employers’ Delegate
NOAKES, Bryan, Mr., Executive Director, Australian Chamber of Commerce and Industry.

Workers’ Delegate
MATHESON, Alan, Mr., International Officer, Australian Council of Trade Unions (ACTU).

Autriche  Austria  Austria

Minister attending the Conference
BARTENSTEIN, Martin, Mr., Federal Minister for Economy and Labour.

Government Delegates
MELAS, Heinz-Michael, Mr., Director, Federal Ministry for Economic Affairs and Labour.

DEMBSHER, Iris, Ms., Federal Ministry for Economic Affairs and Labour.

Adviser and substitute delegate
LENTSCH, Wolfgang, Mr., Director, Federal Ministry for Economic Affairs and Labour.

Advisers
KREID, Harald, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Azerbaïdjan  Azerbaijian  Azerbajian

Government Delegates
RAGIMOV, Ilgar, Mr., First Deputy Minister of Labour and Social Protection of Population.

WAHABZADA, Isfandiyar, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
Advisers and substitute delegates

ATTARZADE, Sevil, Ms., Head, International Cooperation Department, Ministry of Labour and Social Protection of Population.

AMZAYEV, Yashar, Mr., Senior Advisor, International Cooperation Department, Ministry of Labour and Social Protection of Population.

Adviser

SADOV, Ismayil, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

MAMMADOV, Alekper, Mr., Chairman, Confederation of Entrepreneurs' Associations.

Workers' Delegate

MOHBALIEV, Sattar, Mr., Chairman, Confederation of Trade Unions.

Adviser and substitute delegate

MAMMADOV, Akif, Mr., President, Joint Stock Company "Kurort", Confederation of Trade Unions.

Bahreïn Bahrain Bahrein

Minister attending the Conference

AL SHO'ALA, Abdulnabi Abdulla, Mr., Minister of Labour and Social Affairs.

Government Delegates

AL-HADDAD, Ahmed Mahdi, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-KHALIFA, Abdulrahman Bin Abdulla, Mr., Undersecretary, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

ALSHAHABI, Sadiq Abdulkarim, Mr., Assistant Undersecretary for Labour Affairs, Ministry of Labour and Social Affairs.

AL MAHDI, Naji Ahmed, Mr., Director, Bahrain Training Institute.

AL DOSERI, Subah Salem, Mr., Director, Office of the Minister, Ministry of Labour and Social Affairs.

MOHAMED, Farooq Amin, Mr., Head, International Affairs Section, Ministry of Labour and Social Affairs.

DITO, Mohammed Ebrahim, Mr., Head, Employment Services Bureau, Ministry of Labour and Social Affairs.

ESSA, Alawi Shubber, Mr., Acting Head, Vocational Safety Section, Ministry of Labour and Social Affairs.

HUM AID AN, Jameel, Mr., Labour Officer, Ministry of Labour and Social Affairs.

Employers' Delegate

SHARIF, Othman, Mr., Board Member, Bahrain Chamber of Commerce and Industry.

Adviser

AL-MOUTLAK, Loulwa, Mr., Member, Bahrain Chamber of Commerce and Industry.

Workers' Delegate

ABDUL HUSSAIN ABDULLA, Abdul Gaffar, Mr., President, General Committee for Bahrain Workers.

Advisers and substitute delegates

ALMAHFOODH, Sayed Salman, Mr., Member, General Committee for Bahrain Workers.

Other persons attending the Conference

HARDING, Nelereme, Ms., Airport, Airline and Allied Workers' Union (AAAWU).

SYMONETTE, Sharon, Ms.

Employers Delegate

AMMADOV, Alekper, Mr., Chairman, Confederation of Entrepreneurs' Associations.

Workers' Delegate

MOHBALIEV, Sattar, Mr., Chairman, Confederation of Trade Unions.

Adviser and substitute delegate

MAMMADOV, Akif, Mr., President, Joint Stock Company "Kurort", Confederation of Trade Unions.

Minister attending the Conference

AL SHO'ALA, Abdulnabi Abdulla, Mr., Minister of Labour and Social Affairs.

Government Delegates

AL-HADDAD, Ahmed Mahdi, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-KHALIFA, Abdulrahman Bin Abdulla, Mr., Undersecretary, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

ALSHAHABI, Sadiq Abdulkarim, Mr., Assistant Undersecretary for Labour Affairs, Ministry of Labour and Social Affairs.

AL MAHDI, Naji Ahmed, Mr., Director, Bahrain Training Institute.

AL DOSERI, Subah Salem, Mr., Director, Office of the Minister, Ministry of Labour and Social Affairs.

MOHAMED, Farooq Amin, Mr., Head, International Affairs Section, Ministry of Labour and Social Affairs.

DITO, Mohammed Ebrahim, Mr., Head, Employment Services Bureau, Ministry of Labour and Social Affairs.

ESSA, Alawi Shubber, Mr., Acting Head, Vocational Safety Section, Ministry of Labour and Social Affairs.

HUM AID AN, Jameel, Mr., Labour Officer, Ministry of Labour and Social Affairs.

Employers' Delegate

SHARIF, Othman, Mr., Board Member, Bahrain Chamber of Commerce and Industry.

Adviser

AL-MOUTLAK, Loulwa, Mr., Member, Bahrain Chamber of Commerce and Industry.

Workers' Delegate

ABDUL HUSSAIN ABDULLA, Abdul Gaffar, Mr., President, General Committee for Bahrain Workers.

Advisers and substitute delegates

ALMAHFOODH, Sayed Salman, Mr., Member, General Committee for Bahrain Workers.

Bahamas

Minister attending the Conference

FOULKES, Dion A., Mr., Minister of Labour and Maritime Affairs.

Person accompanying the Minister

FERGUSON-BENEBY, Thelma, Ms., Permanent Secretary, Ministry of Labour and Maritime Affairs.

Government Delegates

SYMONETTE, Donald R., Mr., Director of Labour, Department of Labour.

DEAN, Leslie M., Mr., ILO Desk Officer.

Employers' Delegate

ARNETT, Terrance, Mr., Trainee Executive Director, Bahamas Employers' Confederation.

Workers' Delegate

DORSETT, Synida, Ms., Assistant Treasurer, National Congress of Trade Unions.

Adviser and substitute delegate

MOSS, Winston, Mr., Trade Union Congress.
Yousef Abdulla, Mr., Member, General Committee for Bahrain Workers.

**Bangladesh**

*Minister attending the Conference*
Mannan, M.A., Mr., Minister of Labour and Employment.

**Government Delegates**
Islam, Md. Sirajul, Mr., Secretary, Ministry of Labour and Employment.
Chowdhury, Iftekhar Ahmed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

*Advisers and substitute delegates*
Haque, Md. Shahidul, Mr., Counsellor, Permanent Mission, Geneva.

**Employers' Delegate**
Quasem, A.S.M., Mr., President, Bangladesh Employers' Federation.

*Adviser and substitute delegate*
Hyder, C.K., Mr., Secretary-General, Bangladesh Employers' Federation.

**Workers' Delegate**
Khan, Abdus Salam, Mr., President, Jatiyo Sramik League.

*Adviser and substitute delegate*
Bashar, Abul, Mr., Jatiyo Sramik Federation.

**Belarus**

*Minister attending the Conference*
Lyakh, Ivan, Mr., Minister of Labour.

*Person accompanying the Minister*
Shemetov, Dmitri, Mr., Chargé d'Affaires.

**Government Delegates**
Mikhnevich, Sergei, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
Stepanenko, Vladimir, Mr., Head, Labour Economics Division, Economic Department, Office of the Prime Minister.

*Advisers and substitute delegates*
Kopot, Alexander, Mr., Head, International Relations Department, Ministry of Labour.
Ananich, Irina, Ms., Third Secretary, Permanent Mission, Geneva.

**Employers' Delegate**
Bykava, Tatsiana, Ms., President, Belorussian Union of Entrepreneurs and Employers.

*Adviser and substitute delegate*
Veleslou, Yury, Mr., Vice-President, Belorussian Union of Entrepreneurs and Employers.
Workers' Delegate

Ioulgak, Vadim, Mr., Deputy Chairman, Trade Unions' Federation Belarusskaya.

Advisers and substitute delegates

Iancharyk, Uladzimir, Mr., Chairman, Trade Unions Federation Belarusskaya.

Odolinski, Oleg, Mr., Head, International Department, Trade Unions Federation Belarusskaya.

Alevikova, Valyantsina, Ms., Secretary, Trade Unions Federation Belarusskaya.

Advisers

Ol'yanik, Fedor, Mr., Director-General, National Tourist Association "Belarustourist", Trade Unions Federation Belarusskaya.

Aleviкова, Valyantsina, Ms., Secretary, Trade Unions Federation Belarusskaya.

Belgique  Belgium  Bélgica

Ministre assistant à la Conférence

Kekelx, Laurette, Mme, Ministre de l'Emploi.

Personnes accompagnant le Ministre

Iadot, Michel, M., Secrétaire général, Ministre de l'Emploi et du Travail.

Maene, Jean-Claude, M., Conseiller, Cabinet du Ministre de l'Emploi.

Simon-Rodriguez, Carmen, Mme, Attaché de Presse, Ministre de l'Emploi et du Travail.

Délégués gouvernementaux

Peirens, Willy, M., Président honoraire, Confédération des syndicats chrétiens.

Vandamme, François, M., Conseiller général; Chef, Division des Affaires internationales, Ministère de l'Emploi et du Travail.

Conseiller technique et délégué suppléant

Noirfalisse, Jean-Marie, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Conseillers techniques

De Coninck, Jean-Marie, M., Directeur général, Administration de l'hygiène et de la médecine du travail, Ministère de l'Emploi et du Travail.

Flaba, J., M., Ingénieur; Directeur, Administration Recherche et Développement, Ministère des Classes moyennes et de l'Agriculture.

Malderie, Mirjam, Mme, Conseiller général, Administration des Relations individuelles du Travail, Ministère de l'Emploi et du Travail.

Cloezen, Joseph, M., Conseiller adjoint, Division des Affaires internationales, Ministère de l'Emploi et du Travail.

Lemercier, Martine, Mme, Conseillère adjointe, Service des Relations multilatérales, Ministère de l'Emploi et du Travail.

Ballarin, Laura, Mme, Conseillère adjointe, Administration des Relations individuelles du Travail, Ministère de l'Emploi et du Travail.

Vinck, Marc, M., Premier Secrétaire, Mission permanente à Genève.

Windey, Pol, M., Président, Conseil national du Travail.

Glorieus, Jan, M., Secrétaire, Conseil national du Travail.

Bourgoignie, Christian, M., Conseiller, Délégué de la Communauté française de Belgique et de la Région wallonne à Genève.

Storms, Pascal, M., Adjoint du Directeur, Administration de l'Emploi de la Communauté flamande.

Delvaux, Joke, M., Adjoint du Directeur, Administration de la Politique étrangère de la Communauté flamande.

Van Peer, Ria, Mme, Mandataire, "Sociaal-Economische Raad Vlaanderen".

Vandevelde, Jeannine, Mme, Collaboratrice, Cabinet du Ministre-Président de la Communauté française.

Bue lens, Theo, M., Assistant administratif, Service des Relations multilatérales, Ministère de l'Emploi et du Travail.

De Smet, François-Julien, M., Collaborateur, Cabinet du Ministre-Président de la Communauté française.

Henrotin, Jean-Claude, M., Inspecteur-général, Service des Relations internationales de la Région wallonne.

Délégué des employeurs

Van Holm, Jan, M., Directeur, Fédération des Entreprises.

Conseiller technique et délégué suppléant


Conseillers techniques

Sevrain, Anne, Mme, Conseiller, Fédération des Entreprises.

Storm, Marie-Louise, Mme, Conseiller, FABRIMETAL.

Botterman, Chris, M., Senior consultant, SBB.

Délégué des travailleurs

Cortebieck, Luc, M., Président, Confédération des Syndicats chrétiens.

Conseiller technique et délégué suppléant

De Vits, Mia, Mme, Secrétaire général, Fédération générale du Travail.
Conseillers techniques
HAAZE, Guy, M., Président, Centrale générale des Syndicats libéraux.
NOLLET, Michel, M., Président, Fédération générale du Travail.
VERWIMP, Katrien, Mme, Conseiller, Service juridique, Centrale générale des Syndicats chrétiens.
DEMUELENAERE, Donald, M., Conseiller général, Centrale générale des Syndicats libéraux.
VAN PEBORGH, Gitta, Mme, Conseiller, Fédération générale du Travail.
DEBRULLE, Andrée, Mme, Conseiller, Service juridique, Centrale générale des Syndicats chrétiens.
GRUSLIN, Paul, M., Conseiller, Fédération générale du Travail.
SERROYEN, Chris, M., Conseiller, Service d’Etudes, Confédération des Syndicats chrétiens.
DEREYMAEKER, Jan, M., Chef, Service Relations internationales. Confédération des Syndicats chrétiens.
VANDENDRIESSCHE, Greet, Mme,Attaché de Presse, Confédération des Syndicats chrétiens.

Belize Belize Belice

Government Delegates
CASTILLO, Valdemar, Mr., Minister of Sugar Industry, Labour and Local Government.
WILLIAMS, Paul, Mr., Deputy Labour Commissioner.

Employers’ Delegate
BURROWES, Margarita, Ms., Secretary, Executive Council, Belize Chambers of Commerce and Industry.

Workers’ Delegate
MELENDEZ, Eduardo, Mr., President, National Trade Union Congress.

Benin

Ministre assistant à la Conférence
BATOKO, Ousmane, M., Ministre de la Fonction publique, du Travail et de la Réforme administrative.

Personne accompagnant le Ministre
SOBABE, Mathieu, M.

Délégués gouvernementaux
ONI, Jules M., M., Directeur du Travail.
AGUESSY, Colette, Mme, Responsable, Service des Relations internationales du Travail.

Conseillers techniques et délégués suppléant
GAZARD, Gertrude, Mme, Cadre, Direction du Travail.
AROUNA, Boubacar, M., Directeur général, Office béninois de Sécurité sociale.

Délégué des employeurs

Conseiller technique et délégué suppléant
ADOUKONOU, Laure I., Mme, Secrétaire permanente, CNP-BENIN.

Délégué des travailleurs
DE SOUZA, José, M., Secrétaire général, COSI.

Conseillers techniques
AZOUA, Gaston, M., Secrétaire général, CSTB.
ATTIGBE, Guillaume, M., Secrétaire général, CSA-BENIN.
ASSOGBA, Nicodème, M., Secrétaire général, UNSTB.
TODJINOU, Pascal, M., Secrétaire général, CGTB.
MONTEIRO, Laurence, M., Membre, Bureau du Directeur, COSI.

Bolivie Bolivia Bolívia

Ministro asistente a la Conferencia
VASQUEZ VILLAMOR, Luis Angel, Sr.

Persona que acompaña al Ministro
EROSTEGUI TORRES, Rodolfo, Sr., Coordinador Ejecutivo PMRL.

Delegados gubernamentales
AVILA SEIFERT, Silvia, Sra., Embajadora, Representante Permanente, Misión Permanente en Ginebra.
GUMUCIO DAGRON, Pedro, Sr., Ministro Consejero, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes
ZUBIERTA, Georgina, Sra., Primer Secretario, Misión Permanente en Ginebra.
PEÑA, Gary, Sr., Ministerio de Trabajo

Delegado de los empleadores
ESPAÑA SMITH, Raul, Sr., Confederación de Empresarios Privados.
Delegado de los trabajadores
STURIZAGA, Angel, Sr., Central Obrera Boliviana (COB).

Bosnie-Herzégovine
Bosnia and Herzegovina
Bosnia y Herzegovina

Government Delegates
UTRNA, Todor, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SADZAN, Sefik, Mr., Counsellor, Permanent Mission, Geneva.

Adviser
AVDIC, Sanela, Ms., Second Secretary, Permanent Mission, Geneva.

Botswana

Government Delegates
SEBELE, Botsweletse K., Mr., Permanent Secretary, Ministry of Labour and Home Affairs.
MOJAFI, Claude A., Mr., Acting Commissioner of Labour and Social Security.

Adviser and substitute delegate
YANE, Kaelo R., Mr., Principal Inspector of Factories, Department of Labour and Social Security.

Advisers
SENNANYANA, Rose P.N., Ms., Principal Labour Officer.
LEGWAILA, Elijah W., Mr., Judge, Industrial Court, Ministry of Labour.

Employers' Delegate
DEWAH, Elias M., Mr., Executive Director, Botswana Confederation of Commerce, Industry and Manpower (BOCCIM).

Workers' Delegate
MONYAKE, Monyake S., Mr., Secretary General, Botswana Federation of Trade Unions.

Brésil Brazil Brasil

Minister attending the Conference
DORNELLES, Francisco, Mr., State Minister of Labour and Employment.

Person accompanying the Minister
AMORIM, Celso L. Nunes, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Government Delegates
MACHADO, Paulo, Mr., Deputy Executive Secretary, Ministry of Labour and Employment.
GOMES DOS SANTOS, Maria Helena, Ms., Chief, International Service, Ministry of Labour and Employment.

Advisers and substitute delegates
PATRIOTA, Antonio de Aguiar, Mr., Minister-Adviser, Permanent Mission, Geneva.
MEHEDFF, Nassim Gabriel, Mr., Secretary, Public Employment Policies, Ministry of Labour and Employment.
MEYER, Frederico S. Duque Estrada, Mr., Adviser, Permanent Mission, Geneva.
SOARES DE OLIVEIRA, Leonardo, Mr., Labour Inspection, Ministry of Labour and Employment.
CORREA BARRIOS JUNIOR, Juarez, Mr., Director, Safety and Health at Work, Labour Inspection, Ministry of Labour and Employment.
SANTAROSA, Felipe Costi, Mr., Second Secretary, Permanent Mission, Geneva.
RIBEIRO DE SANTANA, Marcilio, Mr., Chief, Mediation and Arbitration, Labour Relations, Ministry of Labour and Employment; Deputy Coordinator, Subgroup 10, Mercosul.
PAIXAO PARDO, Sergio, Mr., Chief, International Organizations Division, International Affairs, Ministry of Labour and Employment.
GHISLENI, Alexandre Peña, Mr., Third Secretary, Permanent Mission, Geneva.

Advisers
CARDOSO, Augusto Sergio, Mr., Coordinator, Ministry of Labour and Employment.
DUARTE, Murilo, Mr., Secretary, Labour Relations, Ministry of Labour and Employment.
BORDA SILOS, Paulo, Mr., Permanent Mission, Geneva.

Other persons attending the Conference
CAMATA, Gerson, Mr., Senator.
ATHAYDE, Alcione, Mr., MP.
BRAGA, Wilson, Mr., MP.
ARANTES, Jovair, Mr., MP.
CASTRO, Luciano, Mr., MP.
CORREA, Pedro, Mr., MP.
MENEGUELLI, Jair, Mr., MP.
DELGADO, Júlio, Mr., MP.
ROCHA, Paulo, Mr., MP.
RODRIGUES, Nácio, Mr., MP.
PELAES, Fátima, Ms., MP.
ANGHINETTI, Herculano, Mr., MP.
PIMENTA, Wagner, Mr., President, High Labour Court.
DALAZEN, João Oreste, Mr., High Labour Court.
DE AZEVEDO, Gelson, Mr., High Labour Court.
MASTRICHI BASSO, Guilherme, Mr., Labour Attorney-General.
LICKS PRATES, Terezinha, Ms., Regional Labour Attorney.
BEZERRA, Zila, Ms., MP.

Employers' Delegate
BITTENCOURT DA SILVA, Luiz Gastão, Mr., Director, First Secretary, National Confederation of Commerce (CNC).

Advisers and substitute delegates
SANTOS, Antônio Oliveira, Mr., President, CNC.
VOLPI, Ronei, Mr., Confederação Nacional da Agricultura (CNA).
LIMA GODOY, Dagoberto, Mr., Confederação Nacional da Indústria (CNI).
FERNANDEZ SILVA, Eduardo, Mr., CNT.
DONATO, Arthur João, Mr., CNI.

Advisers
BRUSTOLIN, Rubens Armando, Mr., Confederação Nacional do Comércio.
SIUFFO PEREIRA, Luiz Gil, Mr., CNC.
OLIVEIRA SCHMIDT, Lenoura, Ms., CNC.
DE OLIVEIRA RODRIGUES, Renato, Mr., CNC.
RONDON LINHARES, Lúcia Maria, Ms., CNI.

Workers' Delegate
DE BARROS, Valdir Vicente, Mr., Financial Director, Confederação Geral dos Trabalhadores (CGT).

Advisers and substitute delegates
THAUMATURGO CORTIZO, Antônio Maria, Mr., Secretary for External relations, CGT.
GOULART, Nair Maria de Jesus, Ms., Força Sindical (FS).
CRIVELL, Ericson, Mr., Central Unica dos Trabalhadores (CUT).
IBRAHIM, José, Mr., Social Democracia Sindical (SDS).
CORTES MARINHO, Danilo Nolasco, Mr., SDS.

Advisers
DOS REIS, Antônio Carlos, Mr., CGT.
SPADARI, Ana Maria, Ms., Secretary, International Relations, General Confederation of Workers.

BESERRA LEITE, Genival, Mr., Regional President, CGT.
REA, Marina F., Ms., FS.
TESCH AUERSVALD, Moacyr Roberto, Mr., SDS.
MIRANDA DE OLIVEIRA, José Olivio, Mr., CUT.
BEZERRA DE LIMA, Maria Ednalva, Ms., CUT.

Persons appointed in accordance with Article 2, paragraph 3(i)
FREIRE NETO, Rafael, Mr., CUT.
TURRA, Júlio, Mr., CUT.
FERNANDEZ, John, Mr., FS.
EMEDIATO, Luiz Fernando, Mr., FS.
PIMENTEL, Silvia, Ms., FS.

Bulgaria

Employers' Delegate
DANEV, Bojidar, Mr., President, Bulgarian Industrial Association.

Advisers and substitute delegates
SIMEONOVA, Tsvetan, Mr., Vice-President, Bulgarian Chamber of Commerce and Industry.
HANDJIEV, Branimir, Mr., Managing Director, Bulgarian Industrial Association.

Advisers
ATANASOVA, Dora, Ms., Executive Secretary, Union of Private Enterprise.
Workers' Delegate
CHRISTOV, Jeliazko, Mr., President, Confederation of Independent Trade Unions.

Advisers and substitute delegates
MLADENOV, Toyto, Mr., Confederate Secretary "Social Policy", Confederation of Labour "Podkrepa".
PASHEV, Konstantin, Mr., Executive Secretary "International Activity", Confederation of Independent Trade Unions.

Burkina Faso

Ministre assistant à la Conférence
TOPAN, Sanné Mohamed, M., Ministre de l’Emploi, du Travail et de la Sécurité sociale.

Délégués gouvernementaux
SOULAMA, T. Timothée, M., Directeur général du Travail et de la Sécurité sociale.
SAWADOGO, K. Célestin, M., Chef de Service, Normes et Relations internationales du Travail.

Conseillers techniques et délégués suppléants
ZAMPALIGRE, Idrissa, M., Directeur général, Caisse nationale de Sécurité sociale.
YAMEOGO, Henri Marie Dieudonné, M., Directeur général, Office national de la Promotion de l’Emploi.
OUATTARA, Alima, Mme, Directrice de la Sécurité sociale et des Mutualités.
ZEB, Maurice, M., Conseiller technique dela Caisse nationale de Sécurité sociale.
NIKJEMA, Michel, M., Directeur général, Office de Santé des Travailleurs.
OUEDRAOGO, Jean-Paul, M., Médecin du Travail, Conseiller technique gouvernemental.

Délégué des employeurs

Conseiller technique et délégué suppléant

Délégué des travailleurs
SAGNON, Tolé, M., Secrétaire général, Confédération générale du Travail.

Burundi

Ministre assistant à la Conférence
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Délégué des travailleurs
NIYONGABO, Anicet, M., Président, Confédération de Syndicats du Burundi (COSYBU).

Cambodge

Minister attending the Conference
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KEO, Borentr, Mr., Deputy Director, Department of Labour Inspection, Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation.

Employers' Delegate
VAN, Sou Ieng, Mr., Chairman, Garment Manufacturers' Association in Cambodia (GMAC).
Adviser and substitute delegate
FENG, Xing Rong, Ms., Member, GMAC.

Workers' Delegate
ROS, Sok, Mr., President, Cambodia Federation of Independent Trade Unions.

Cameroun  Cameroon  Camerún

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Conseiller technique et délégué suppléant
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EBOTO, Charles, M., Directeur de la Prévoyance Sociale, Ministère de l'Emploi.
EDANG OLINGA, Joseph, M., Chef, Service de la Coopération Technique, Direction de la Prévoyance Sociale.

Délégué des employeurs
SANZOUANGO, Francis, M., Secrétaire général, Groupement interpatronal du Cameroun (GICAM).

Conseiller technique et délégué suppléant
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Minister attending the Conference
BRADSHAW, Claudette, Ms., Minister of Labour.

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LEFEBVRE, Réjean, Mr., Member of Parliament.

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Advisers
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BAILLY, Juliette P., Ms., Vice-présidente, Commission de la Santé et de la Sécurité du Travail, Québec.

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ROY, René, Mr., Secrétaire général, Fédération des Travailleurs et Travailleuses du Québec.

BENEDICT, Steve, Mr., Director, International Department, Canadian Labour Congress.

GAUTHIER, Normand, Mr., Sous-ministre, Ministère du Travail, Gouvernement du Québec.

DESLAURIERS, Christian, Mr., Secrétaire, Comité interministériel sur les Affaires de l’OIT, Ministère des Relations internationales, Gouvernement du Québec.

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BÉRUBÉ, Michel, Mr., Ministère de la Solidarité sociale, Gouvernement du Québec.

GINGRAS, Pierre, Mr., Commission de la Santé et de la Sécurité du Travail, Québec.

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TURNER, Ted, Mr., President, Hunt Personnel.

WAJDA, Pawel, Mr., Director, Technical Training, Canadian Pacific Railways.

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CARDOSO, Maria Luiza Ribeiro, Mme, Inspecteur du Travail.

ALVES LOPEZ, Antonio Pedro, M., Chargé d’Affaires, Mission permanente à Genève.

LOPES, Luis Vasconcelos, M., Président, Association commerciale, industrielle et agricole de Barlavento.


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République centrafricaine  
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YOELE, Pierrot, M., Chargé de mission en matière de Travaux.

Délégué des employeurs
ZAGUI, Faustin, M.

Délégué des travailleurs
NGABA-MANGOU, Pierre, M.

Chili  Chile  Chile

Ministro asistente a la Conferencia
SOLARI SAAVEDRA, Ricardo, Sr., Ministro del Trabajo y Previsión Social.

Delegados gubernamentales
LJUBETIC GODOY, Yerko, Sr., Vice ministro del Trabajo y Previsión Social.  
VEGA PATRI, Juan Enrique, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

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FERES NAZARALA, María Ester, Sra., Directora del Trabajo.  
LAZO GRANDI, Pablo, Sr., Abogado, Asesor del Ministro del Trabajo y Previsión Social.  
DONAIRE GAETE, Claudia, Sra., Abogada, Servicio Nacional de la Mujer.

Chine  China  China

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ZHANG, Junfeng, Mr., Counsellor, Permanent Mission, Geneva.

Advisers
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YOU, Jun, Mr., Director, General Office, MOLSS.
LIU, Xu, Mr., First Secretary, Permanent Mission, Geneva.
ZHAO, Yujin, Mr., Director, General Office, MOLSS.
GUAN, Jinghe, Ms., Director, Department of International Cooperation, MOLSS.
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Workers' Delegate
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LIU, Jiyoung, Mr., Division Chief, International Liaison Department, ACFTU.
ZHANG, Luoxian, Mr., Official, International Liaison Department, ACFTU.

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Advisers
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HAN, Bin, Mr., China Entreprise Confederation.
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Adviser and substitute delegate

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Advisers

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LOIZIDES, Panayiotis, Mr., General Secretary, Cyprus Chamber of Commerce and Industry.
PETROU, Petros, Mr., Industrial Relations Officer, Cyprus Employers’ and Industrialists’ Federation.
KYTHREOTIS, Christos, Mr., Secretary-Director, Cyprus Bankers Employers’ Association.
PHILIPPOU, Andreas, Mr., Personnel Manager, Electricity Authority.
CHRISTODOULOU, Aris, Mr., Chairman, Association of Citrus and Grapes.
MICHAEL, Emilios, Mr., Director, Department of Industrial Relations, Cyprus Chamber of Commerce and Industry.
ASHIKALIS, George, Mr., Assistant Personnel Manager, Industrial Relations, Electricity Authority.

Workers’ Delegate

KITTENIS, Dimitris, Mr., General Secretary, Cyprus Workers’ Confederation (SEK).

Adviser and substitute delegate

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Advisers

KYRITSIS, Pambis, Mr., General Secretary, Pancyprian Federation of Labour (PEO).
CHARALAMBOUS, Soteroula, Ms., Executive Secretary, PEO.
DIOMEDOUS, Diomedes, Mr., General Secretary, Democratic Labour Federation of Cyprus (DEOK).
PILAVAKI, Ioanna, Ms., Assistant General Secretary, DEOK.

Consejero técnico y delegado suplente

PALACIO VALENCIA, Fabio Olmedo, Sr., Viceministro de Trabajo y Seguridad Social.

Consejeros técnicos

OVIEDO, Amparo Alicia, Sr., Ministra Consejera, Misión Permanente en Ginebra.
NADER, Carlos Isaac, Sr., Presidente, Sala de Casación Laboral, Corte Suprema de Justicia.
BELTRAN SIERRA, Alfredo, Sr., Magistrado, Corte Constitucional.
GAVIRIA DIAZ, Carlos, Sr., Magistrado, Corte Constitucional.
ARANGO MANTILLA, Alberto, Sr., Presidente, Sección Segunda, Consejo de Estado.
ARBELAEZ DE TOBON, Lucia, Sra., Magistrada, Sala Administrativa, Consejo Superior de la Judicatura.
SACHICA, Luis Carlos, Sr., Asesor Externo, Despacho Ministra de Trabajo y Seguridad Social.
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MUÑOZ JIMENEZ, Diana, Sra., Jefe Oficina Asesora, Asuntos Internacionales, Ministerio de Trabajo y Seguridad Social.
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Otras personas que asisten a la Conferencia

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NICHOLS, José Jaime, Sr., Senador.
ANGARITA BARACALDO, Alfonso, Sr.
MESA, José Ignacio, Sr., Senador.
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Delegado de los empleadores

VILLEGAS, Luis Carlos, Sr., Presidente, Asociación Nacional de Industriales (ANDI).

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MONSALVE CUELLAR, Martha, Sra., Comité Empresas Temporales, ANDI.
BURGOS, Jairo, Sr., Comité de Laboralistas, ANDI.
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*Delegado de los trabajadores*

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CARO, Miguel Antonio, Sr., Vicepresidente, CUT.
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GOMEZ, Alberto León, Sr., Abogado Laboralista, Comisión Colombiana de Juristas.
VALDERRAMA, Mario de J., Sr., Presidente, Confederación de Trabajadores Democráticos de Colombia (CGTD).

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**République de Corée**

**Republic of Korea**

**República de Corea**

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CHANG, Man-soon, Mr., Ambassador, Permanent representative, Permanent Mission, Geneva.

**Advisers and substitute delegates**

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LEE, Jae-Kap, Mr., Director, International Cooperation Division, Ministry of Labour.
YI, Sung-ki, Mr., First Secretary, Permanent Mission, Geneva.
CHUNG, Hae-young, Mr., Assistant Director, International Cooperation Division, Ministry of Labour.
CHOI, Sung-yo, Mr., Assistant Director, International Cooperation Division, Ministry of Labour.
CHANG, Mi-hey, Ms., Assistant Director, Working Women's Policy Bureau, Ministry of Labour.
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HWANG, Eun-young, Ms.

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DO, Sung-whan, Mr., President, Federation of Korean Public Construction Unions.
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YOON, Young-mo, Mr., International Secretary, KCTU.

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VALERIN, Gloria, Sra., Ministra, Condición de la Mujer.
MEDINA, Danilo, Sr., Asesor, Caja Costarricense de Seguro Social.
ANGULO, Carlos Dario, Sr., Consejero.
CARMONA, Norma, Sra.
ANGULO, José, Sr.
RAMÍREZ, Ruth Xinia, Sra.
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Consejero técnico
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FLEGBO, Gnebi, M., Conseiller d'Ambassade, Mission permanente à Genève.

N'DIAYE, Diarra Sarr, Mme, Chargée d'Etudes, Cabinet du Ministre de l'Emploi et de la Formation publique.

KOUNANDI, Coulibaly, M., Directeur de la Médecine du Travail.

Délégué des employeurs

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Conseiller technique

YAO, Kouadio François, M., Premier Secrétaire général adjoint, FESACI.

Croatie  Croatia  Croacia

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Employers’ Delegate

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Adviser and substitute delegate


Workers’ Delegate

BENOVIC, Suncica, Ms., Legal Adviser, Union of Autonomous Trade Unions.

Adviser and substitute delegate

HANZEVACKI, Marija, Ms., General Secretary, Independent Trade Unions.

Cuba

Ministro asistente a la Conferencia

MORALES CARTAYA, Alfredo, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

AMAT FORES, Carlos, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

TRAVIESO DAMAS, Francisco, Sr., Director Jurídico y de Relaciones Internacionales, Ministerio de Trabajo y Seguridad Social.

Consejeros técnicos y delegados suplentes

HERNÁNDEZ OLIVA, Gretel, Sra., Dirección Jurídica y de Relaciones Internacionales, Ministerio de Trabajo y Seguridad Social.

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MONTESINOS, Tania, Sra., Ministerio de Relaciones Exteriores.

CASTILLO SANTANA, Alejandro, Sr., Misión Permanente de Cuba en Ginebra.

Delegado de los empleadores

CHACÓN DÍAZ, Alejandro, Sr., Director, Empresa HILATEX; Vicepresidente, Grupo de Empleadores.

Delegado de los trabajadores

GONZÁLEZ, Leonel, Sr., Secretariado Nacional de la Central de Trabajadores.
Consejeros técnicos y delegados suplentes

ROSS LEAL, Pedro, Sr., Secretario General, Central de Trabajadores.
BERNAL CAMERO, Joaquin, Sr., Secretariado Nacional, Central de Trabajadores.

Minister attending the Conference

HYGUM, Ove, Mr., Minister of Labour.

Persons accompanying the Minister

SMITH, Bo, Mr., Permanent Under-Secretary of State.
HERMANSEN, Anne Dorthe, Ms., Director, Private Secretariat, Ministry of Labour.

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BEJER, Jesper, Mr., Head of Section, Ministry of Labour.
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JAKOBSEN, Lisbeth, Ms., Head of Section, Ministry of Social Affairs.
NIEMANN, Helene, Ms., Permanent Representative, Permanent Mission, Geneva.

Other persons attending the Conference

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VIBJERG, Jens, Mr., Member of Parliament.

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STEENHOLM, Peter Steen, Mr., Consultant, Danish Employers' Confederation.
LAURENTS, Per, Mr., Director, Danish Confederation of Employers' Associations in Agriculture.
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NEERGAARD LARSEN, Jorn, Mr., Director-General, Danish Employers' Confederation.

Workers' Delegate

WISTISEN, Ib, Mr., International Confederal Secretary, Danish Confederation of Trade Unions.

Adviser and substitute delegate

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Advisers

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BRUUN, Jorgen Ronnow, Mr., Legal Adviser, Danish Confederation of Trade Unions.
FABER, Dorrit, Ms., Sworn Interpreter, Danish Confederation of Trade Unions.
VIND, Anders, Mr., Advisor, Danish Confederation of Trade Unions.
HOY, Jette, Ms., Confederated Secretary, Salaried Employees' and Civil Servants Confederation.
HENNESSER, Tatjana, Ms., Consultant, Danish Confederation of Professional Associations.
MEJLBY, Steen, Mr., Consultant, General Workers' Union.

Other person attending the Conference

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Djibouti

Délégués gouvernementaux

ALI AHMAD, Arbahim, M.
ABEBA MOCREA OSMAN, Fatouma, Mme, Chef de service.

Conseiller technique et délégué suppléant

ABSIEH, Guedi, M., Inspecteur du Travail.
Délégué des employeurs

AHMED, Abdi Farah, M.

Délégué des travailleurs

DIRIEH, Abdo Sikieh, M., Secrétaire général, UGTD.

République dominicaine
Dominican Republic
República Dominicana

Ministro asistente a la Conferencia

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HERRERA ROA, Fabio, Sr.

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NEGRON TEJADA, Mariano, Sr., Secretario General, Confederación Nacional de Trabajadores Dominicanos

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Egytpe Egypt Egipto

Minister attending the Conference

ELAMAWY, Ahmed Ahmed, Mr., Minister of Manpower and Emigration.

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ABOULNAGA, Fayza, Ms., Ambassador, Permanent Representative, Permanent Mission, Geneva.

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DAOUD, Mohamed, Mr.
AHMED, Nader, Mr.
BAYOUMI, Mohamed, Mr.
BAYOUMI, Mohamed, Mr.

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SOTO RAMIREZ, Raúl, Sr.

Delegado de los trabajadores
NERIO, Noe Gilberto, Sr.

Emirats arábes unis
United Arab Emirates
Emiratos Arabes Unidos

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CAMPOSANO NUÑEZ, Enrique, Sr., Asesor.

Erythrée     Eritrea     Eritrea

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Workers’ Delegate
YIGZAW, Tekele, Mr., Member, National Confederation of Eritrean Workers.

Espagne     Spain     España

Ministro asistente a la Conferencia
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Etats-Unis United States Estados Unidos

Minister attending the Conference
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Government Delegates
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Estonie Estonia Estonia

Government Delegates
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Employers' Delegate
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SWEENEY, Maureen, Ms., AFL-CIO.
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Ethiopie  Ethiopia  Etiopía

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Workers' Delegate
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Adviser and substitute delegate
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The Former Yugoslav Rep. of Macedonia
Ex Rep. Yugoslavla de Macedonia

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Adviser
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Adviser and substitute delegate
TYÖLÄJÄRVI, Riitta, Ms., Health and Social Welfare Adviser, Finnish Confederation of Salaried Employees (STTK).

Advisers
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HEIKURA, Pirkko, Ms., Secretary, Health and Safety, SAK.
NISSINEN, Pia, Ms., International Secretary, Confederation of Unions for Academic Professionals in Finland.

<table>
<thead>
<tr>
<th>France</th>
<th>France</th>
<th>Francia</th>
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<tbody>
<tr>
<td>Ministre assistant à la Conférence</td>
<td>AUBRY, Martine, Mme, Ministre de l'emploi et de la solidarité.</td>
<td></td>
</tr>
</tbody>
</table>

Personnes accompagnant le Ministre
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ROILAND, Marie-Paule, Mme, Directeur des Affaires européennes et internationales, Union des Industries métallurgiques et minières (UIMM).

Conseillers techniques
ANDRIEU, Françoise, Mme, Membre, Commission sociale, Confédération générale des Petites et Moyennes Entreprises (CGPME); Président, AFORPA.
BENHAMOU, Annie, Mme, Conseiller, Service des Affaires européennes et internationales, Union des Industries métallurgiques et minières (UIMM).
BRUM, Arnold, M., Fédération nationale des Syndicats d'Exploitants agricoles (FNSEA).
DUMONT, Alain, M., Directeur de la Formation, MEDEF.
FAUCHOIS, Marie-Christine, Mme, Directeur Sécurité sociale, UIMM.
HAUSER, Louis, M., Président, UNICLEN.
VEYSSET, Jean-François, M., Vice-Président chargé des Affaires sociales, CGPME.

Délégué des travailleurs
BLONDEL, Marc, M., Secrétaire général, CGT-FO; Membre adjoint, Conseil d'Administration du BIT.

Conseiller technique et délégué suppléant
VALLADON, René, M., Secrétaire confédéral, CFT-FO.

Conseillers techniques
VERONESE, Alphonse, M., Membre, Commission exécutive, CGT.
RETURÉAU, Daniel, M., Collaborateur, Bureau confédéral; Membre, Comité économique et social de l'UE; Chargé des activités de l'OIT-CGT.
BRUNEL, Huguette, Mme, Responsable, Département international et Europe, CFDT.
ROBERT, Marie-Louise, Mme, Chargée de mission, Délégation Femmes, CFDT.
FORMOSA, Patrick, M., Chef, Service international, CFE-CGC.
GOURMELON, Armel, M., Vice-président, Questions internationales, CFTC.
MONRIQUE, Michèle, Mme, Secrétaire confédérale, CGT-FO.
TRICOCHE, Jean-Claude, M., Secrétaire général, FEN.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

MARTINS FERREIRA, Manuel, M., Secrétaire confédéral, CFTC.
BEKAMBA, Jean-Louis, M., Assistant confédéral, Département Europe et International, CGT-FO.
DUPUY, Frédérique, Mme, Assistante confédérale, Département Europe et International, CGT-FO.
FARACHE, Jacqueline, Mme, Collaboratrice, Bureau confédéral, CGT.
SCHNITZER-BAMBI, Joëlle, Mme, Collaboratrice, Espace Europe International, CGT.

Gabon

Ministre assistant à la Conférence
MISSAMBO, Paulette, Mme, Ministre d'Etat, Chargé du Travail, de l'Emploi et de la Formation professionnelle.

Personne accompagnant le Ministre
BIKE, Yolande, Mme, Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux
NDONG-NANG, Daniel, M., Secrétaire général, Ministère du Travail, de l'Emploi et de la Formation professionnelle.
ANGONE-ABENA, Mme, Conseiller, Chargé des Relations avec le BIT, Mission permanente à Genève.

Conseillers techniques et délégués suppléants
PAILLAT, Brice Constant, M., Directeur de Cabinet, Ministère du Travail.
LINDZONDZO MAMBANYA, Christophe, M., Conseiller du Premier Ministre.
NAMBO-WEZET, Guy B., M., Inspecteur général, l'Hygiène et de la Médecine du Travail.

Géorgie

Minister attending the Conference
JORBENADZE, Avtandil, Mr., Minister of Health and Social Protection.

Government Delegates
DJIBOUTI, Michael, Mr., Deputy Minister of Health and Social Protection.
KAVIDZE, Amiran, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
Advisers and substitute delegates

BAKRADZE, Teimuraz, Mr., Minister, Permanent Mission, Geneva.
BARBAKADZE, Tamar, Ms., Adviser to Minister of Health and Social Protection.

Employers' Delegate

ZARNADZE, Bondo, Mr.

Workers' Delegate

TUGUSHI, Irakli, Mr., Chairman, Georgian Trade Unions' Amalgamation.

Adviser and substitute delegate

ABASHIDZE, Tamar, Ms., Adviser to Rector, Georgian Trade Union University of Tbilisi.

Ghana

Minister attending the Conference

MUMUNI, Alhaji Muhammad, Mr., Ministry of Employment and Social Welfare.

Government Delegates

WUDU, Kobina, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
KATSRIKU, Brigitte, Ms., Chief Director, Ministry of Employment and Social Welfare.

Advisers

ADJEI, Daniel Yaw, Mr., Minister, Deputy Permanent Representative, Permanent Mission, Geneva.
ASANTE, Kwasi, Mr., Minister-Counsellor, Permanent Mission, Geneva.
NTIM, Edward A., Mr., Chief Labour Officer, Ministry of Employment and Social Welfare.

Other person attending the Conference

SAGO-MOSES, Charles, Mr., Deputy Regional Director, Health Services, Ministry of Health.

Employers' Delegate

AMPIAH, Ato Pobee, Mr., Deputy President, Ghana Employers' Association.

Advisers

AMOASI-ANDOH, K., Mr., Executive Director, Ghana Employers' Association.
ACCUH-ADDO, S.T., Mr., Director of Administration.
LAMPTETY, P.N., Mr., Administrative Manager.

OKUNOR, Alfred, Mr., Administrative Manager.
DANQUAH, Thomas Nyarko, Mr., Human Resource and Administrative Manager.
ANIAGYEI, Ben, Mr., Chief Engineer and Safety Coordinator.
ASARE II, Nana Yeboah Kodie, Mr., President, Governing Council.
GARSHONG, M.A., Mr., Director, Human Resources Management.
DZIKO, Emmanuel G., Mr., General Manager, Human Resource Management.
AGYIRI, Paul O., Mr., General Manager.
QUAISIE, Alice, Ms., Personnel Manager.
LAMPTETY, Clara, Ms.

Workers' Delegate

AGYEI, Christian Appiah, Mr., Secretary-General, Trade Union Congress (TUC).

Advisers

KANGAH, Samuel, Mr., General-Secretary, General Agricultural Workers' Union.
NUNOO-QUAYE, S.O., Mr., Head, International Affairs Department.
ANKAMAH, Joseph, Mr., International Affairs Officer, TUC.
COLE, Robert K., Mr., General Secretary, Ghana Mine Workers' Union.

Grèce  Greece  Grecia

Ministre assistant à la Conférence

GIANNITISIS, Anastassios, M., Ministre du Travail et de la Sécurité sociale.

Personne accompagnant le Ministre

KARAÏTIDIS, Demetrios, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

PITSOLIS, Ioannis, M., Directeur général, Direction générale d'Administration, Ministère du Travail et de la Sécurité sociale.
YPSILANTIS, Angelos, M., Premier Secrétaire, Mission permanente à Genève.

Conseillers techniques et délégués suppléants

LAÎOU-SPANOPOULO, Maria, Mme, Directrice, Direction des Relations internationales, Ministère du Travail et de la Sécurité sociale.
CHRYSSANTHOU, Eudokia, Mme, Chef de Section, Direction des Relations Internationales, Ministère du Travail et de la Sécurité sociale.
CONSEILLERS TECHNIQUES

PAPADOPoulos, Panagiotis, M., Directeur, Direction de Planification et de Coordination, Corps d'Inspection du Travail.
BIRI, Antonia, Mme, Chef de Section, Direction des Conditions du Travail, Ministère du Travail et de la Sécurité sociale.
BAGGE, Evangelia, Mme, Chef de Section, Secrétariat général de la Sécurité sociale.
MINAKAKI, Stamatiki, Mme, Chef de Section, Section des Droits et des Obligations, Ministère de l'Intérieur, de l'Administration publique et de la Décentralisation.
SAMARTZPOULOU-CHRISTODOULOU, Athina-Maria, Mme, Collaboratrice juridique, Secrétariat général de l'Égalité des Sexes.
KARAYANNI, Estelle, Mme, Fonctionnaire, Direction des Relations Internationales, Ministère du Travail et de la Sécurité sociale.
BOUKA, Alexandra, Mme, Directrice, Direction de l'Orientation professionnelle de l'Organisation de l'Emploi et de la Main d'œuvre.

DÉLEGUÉ DES EMPLOYEURS

ANALYTIS, Nicolaos, M., Vice Président, Fédération des Industries grecques (FIG).

CONSEILLERS TECHNIQUES ET DÉLEGUÉS SUPPLÉANTS

CHARAKAS, Charilaos, M., Conseiller juridique, FIG.
TSOUUMANI-SPENTZA, Eugénie, Mme, Avocat, FIG.

CONSEILLERS TECHNIQUES

PAPAIOANNOU, Lambros, M., Avocat, Fédération des Industries grecques (FIG).
SKIADAS, Alexandros, M., Conseiller, FIG.
VAYAS, Antonios, M., Conseiller du Travail, FIG.
OIKONOMOU, Vasileios, M., Conseiller, Confédération nationale du Commerce grec.
PAPADIMITRIOU, Ioannis, M., Confédération générale des Petits et Moyens Entrepreneurs, Artisans et Commerçants.

DÉLEGUÉ DES TRAVAILLEURS

POLYZOGOPoulos, Christos, M., Président, Confédération générale de Travailleurs (CGT Grèce).

CONSEILLERS TECHNIQUES ET DÉLEGUÉS SUPPLÉANTS

DELIYANNAKIS, Théodoros, M., Conseiller juridique, CGT Grèce.

CONSEILLERS TECHNIQUES

MAVRIKOS, Georgios, M., Membre, Comité exécutif, CGT-Grèce.
ORFANOS, Georgios, M., Trésorier, CGT-Grèce.
STAMOU, Spyros, M., Secrétaire d'Organisation, CGT-Grèce.
PAVLIDAKIS, Georgios, M., Secrétaire, Relations internationales, CGT-Grèce.
DANELIS, Charalambos, M., Membre de la Direction, CGT-Grèce.
AVGITIDIS, Eleftherios, M., Trésorier adjoint, CGT-Grèce.

CONSEILLERS TECHNIQUES ET DÉLEGUÉS SUPPLÉANTS

DELIYANNAKIS, Théodoros, M., Asseoir, Secretariat de Bienestar Social.
PHENFUNCHAL, Araceli, Sra., Primer Secretario, Misión Permanente en Ginebra.
BARRIOS, Sulmi, Sra., Primer Secretario, Misión Permanente en Ginebra.
HOCHSTETTER, Stephanie, Sra., Segundo Secretario, Misión Permanente en Ginebra.

Délegué des travailleurs
KEBE, Mohamed Samba, M., Secrétaire général, Confédération nationale des Travailleurs.

Conseillers techniques
TOURE, Yamou, M., Secrétaire général, Organisation nationale des Syndicats libres.
FOFANA, Ibrahim, M., Secrétaire général, Union Syndicale des Travailleurs.

Guinée-Bissau
Guinea-Bissau
Guinea-Bissau

Ministre assistant à la Conférence
SAU, Dauda, M., Ministre de l'Administration publique et du Travail.

Délégués gouvernementaux
GOMES, Aureliano Marcelino, M., Directeur général du Travail, de la Formation et de la Qualification professionnelle.
DE BARROS, Ana Emilia, Mme, Directeur général de l'Emploi.

Conseiller technique et délégué suppléant
LOPES DJALÓ, Agostinho, M., Conseiller juridique en matière de Travail et de Sécurité sociale.

Délégué des employeurs
IAMEDI INCADA, Abel, M., Représentant, Chambre de Commerce, Industrie et Agriculture (CCIA).

Délégué des travailleurs
LIMA DA COSTA, Desejado, M., Secrétaire général, Union nationale des Travailleurs (UNTG).

Conseiller technique
CAMARA, Sello, M., Secrétaire général, Confédération générale de Syndicats independents (CGSI).

Guyana

Government Delegates
JEFFREY, Henry B., Mr., Minister of Health and Labour.
AKEEL, Mohamed A., Mr., Chief Labour Officer.
Employers' Delegate

FOO, Yolande, Ms., Senior Manager, Corporate and Management Services, National Bank of Industry and Commerce

Workers' Delegate

LEWIS, Lincoln, Mr.

Haiti

Délégué gouvernemental

GASPARD, Fritzner, M., Conseiller, Mission permanente à Genève.

Honduras

Ministro asistente a la Conferencia

MIRANDA DE GALO, Rosa América, Sra., Ministra de Trabajo y Seguridad Social.

Delegado gubernamental

REINA VALLECILLO, José María, Sr., Asesor, Asuntos Internacionales, Secretaría de Estado, Despachos de Trabajo y Seguridad Social.

Consejeros técnicos y delegados suplentes

RAMOS LOPEZ, Sandra, Sra., Inspector General del Trabajo.

BU FIGUEROA, Gracibel, Sra., Consejero, Encargada de Negocios a.i., Misión Permanente en Ginebra.

Delegado de los empleadores

MARTINEZ, José Job, Sr., Consejo Hondureño de la Empresa Privada (COHEP).

Delegado de los trabajadores

SALINAS ELVIR, Israel, Sr., Confederación de Trabajadores de Honduras (CUTH).

Hongrie Hungary Hungría

Minister attending the Conference

HARRACH, Péter, Mr., Minister of Social and Family Affairs.

Government Delegates

ÖRY, Csaba, Mr., Political Secretary of the State, Ministry of Social and Family Affairs.

JOÓ, Rudolf, Mr., Deputy Secretary of State, Ministry of Foreign Affairs.

Advisers and substitute delegates

VARGA, Zoltán, Mr., Counsellor, Permanent Mission, Geneva.

BÉKÉS, András, Mr., Président, National Labour Inspectorate.

Advisers

BIHARY, Pál, Mr., Expert, Ministry of Social and Family Affairs.

FÁRI, László, Mr., Chief Counsellor, Ministry of Social and Family Affairs.

KLEKNER, Péter, Mr., Deputy Head of Department, Ministry of Social and Family Affairs.

MÁNDY, András, Mr., Expert, Ministry of Health.

PÁL, Lajos, Mr., Deputy Secretary of State, Ministry of Social and Family Affairs.

ZSÓTÉR, László, Mr., International Adviser, Ministry of Social and Family Affairs.

Employers' Delegate

SZIRMAI, Péter, Mr., Co-president, National Association of Entrepreneurs and Employers.

Adviser and substitute delegate

ROLEK, Ferenc, Mr., Vice-President, Confederation of Hungarian Employers and Industrialists.

Advisers

BOROSNÉ-BARTHA, Terézia, Ms., International Director, Confederation of Hungarian Employers and Industrialists.

CSÚPORT, Antal, Mr., Managing Director, National Confederation of Companies for Strategic Services and Public Utilities.

TÓTH, Károly, Mr., Consultant, National Confederation of Companies for Strategic Services and Public Utilities.

KOROMPAY, Győző, Mr., Secretary General, Confederation of Hungarian Employers' Organisations for International Cooperation.

SZABADKAI, Antal, Mr., Head of Secretariat, Union of Agrarian Employers.

SZÜCS, György, Mr., President, National Association of the Industrial Corporation.

WIMMER, István, Mr., Secretary General, Confederation of Hungarian Employers and Industrialists.

Workers' Delegate

SÁNDOR, László, Mr., President, Hungarian Confederation of Hungarian Trade Unions.
Adviser and substitute delegate

GYÖRGY, Károly, Mr., Member, Executive Board, National Confederation of Hungarian Trade Unions.

Advisers

AGG, Géza, Mr., Expert, Cooperative Forum of Trade Unions.
BORHIDI, Gábor, Mr., Expert, National Confederation of Hungarian Trade Unions.
CZUGLERNÉ-IVÁNY, Judit, Ms., Expert, National Federation of Workers' Councils.
ORBÁN, Lázló, Mr., Senior Expert, National Confederation of Hungarian Trade Unions.
SZIKLAI, István, Mr., Expert, Democratic League of Independent Trade Unions.
TÓTH, Attila, Mr., Adviser, Trade Union Group of Professionals.

India

Ministers attending the Conference

JATIYA, Satyanarayan, Mr., Union Labour Minister
LALL, Muni, Mr., Minister of State for Labour and Employment.
YADAV, C. Krishna, Mr., Labour Minister, Government of Andhra Pradesh.
LAL, Kishori, Mr., Labour Minister, Government of Himachal Pradesh.
KUMAR, Bimbadhar, Mr., Labour Minister, Government of Orissa.

Person accompanying the Minister

PARIHAR, S.P.S., Mr., PS to Union Labour Minister.

Government Delegates

MISHRA, Lakshmidhar, Mr., Secretary, Ministry of Labour.

Advisers

SABHARWAL, Sharat, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
SAINI, R.K., Mr., Joint Secretary, Ministry of Labour.
DAS, S.K., Mr., Director General (Labour Welfare), Ministry of Labour.
KRISHNAN, S., Mr., Joint Secretary (DGE & T), Ministry of Labour.
SIRAJUDDIN, P.M., Mr., Director.
TUHIN, Kumar, Mr., First Secretary, Permanent Mission, Geneva.
GUPTA, Satyanarayan, Mr., Union Labour Minister.
GUPTA, Harsh, Mr., Additional Chief Secretary of Labour, Government of Himachal Pradesh.
JATIA, Kalawati, Ms., Advisor.

Employers' Delegate

KOHLI, Uddesh, Mr., Chairman, SCOPE.

Advisers

AGARWAL, A.K., Mr., Vice President, AIOE.
ANAND, I.P., Mr., Member, Governing Body of the ILO.
HAKEEM, M.A., Mr., Secretary General, SCOPE.
PANT, B.P., Mr., Secretary, AIOE.
VISWANATHAN, R., Mr., Vice President, AIMO.
AGARWAL, S.S., Mr., Vice President, LUB.

Workers' Delegate

THAKKAR, K.J., Mr., Vice-President, BMS.

Advisers

GORE, Mukund, Mr., Secretary, BMS.
CHOUHAN, S.S., Mr., Secretary, INTUC.
PANDHE, M.K., Mr., General Secretary, CITU.
TIAGI, Veereshwar, Mr., National Secretary.
MAHENDRA, K.L., Mr., General Secretary, AITUC.
SAHA, P.S., Mr., Secretary, UTUC (LS).

Indonesie

Minister attending the Conference

PASARIBU, H. Bomer, Mr., Minister of Manpower.

Government Delegates

SWASONO, Yudo, Mr., Head, Planning and Development Agency, Department of Manpower.
SIMANJUNTAK, Payaman J., Mr., Senior Adviser to the Minister of Manpower.

Advisers and substitute delegates

WIRAJUDA, N. Hassan, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SUTOYO, Susanto, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Advisers

SUWARTO, Mr., Senior Adviser to the Minister of Manpower.
MOEDJIMAN, Mr., Director-General a.i., Planning and Productivity, Department of Manpower.
SITUMORANG, Basani, Mr., Chairperson, Committee on Labour Dispute Settlement, Department of Manpower.
KRISTIADI, J.B., Mr., Deputy to the State Minister, Utilization State Aparatus.
MAGNIS-SUSENO, Franz, Mr., Director, Driyarkara School of Philosophy.
RUSTAM, Lucia H., Ms., Minister Counsellor, Permanent Mission, Geneva.
HENDRASMORO, Primanto, Mr., First Secretary, Permanent Mission, Geneva.

SETYOWATI, Wiwiek, Ms., Official, Department of Foreign Affairs

SINAGA, Tianggur, Mr., Official, Department of Manpower.

SARWONO, Ade Padmo, Mr., Official, Department of Foreign Affairs.

LANTU-LUHULIMA, Anita, Ms., Third Secretary, Permanent Mission, Geneva.

SUTANTO, Mr., Official, Department of Manpower.

LESTARI, Sri, Ms., Official, Department of Manpower.

SUKMADJATI, Fauzan, Mr., Vice Chair, Supreme Advisory Council.

RAS, Sofyan, Mr., Official, Department of Agriculture.

Employers’ Delegate

DJOJOSUMARTO, Margono, Mr., Vice Chairman, Employers’ Association.

Advisers

RAWUNG, Willy H., Mr., Employers’ Association.

RACHMAN, Hasanuddin, Mr., Board Member, Employers’ Association.

ENDRO, Herman S., Mr., Board Member, Employers’ Association.

SOEDIBJO, F.X. Djoko, Mr., Vice Secretary-General, Employers’ Association.

FRANS, Alexander, Mr., Employers’ Association.

SIMANJUNTAK, A.G., Mr., Employers’ Association.

ZUNAEDI, Agus, Mr., Employers’ Association.

THAIB, Novian M., Mr., Employers’ Association.

SUPRIYANTO, Bambang, Mr., Employers’ Association.

MAMUKO, Petrus, Mr., Employers’ Association.

SUNGKOWO, Fauzan, Mr., Employers’ Association.

Persons appointed in accordance with Article 2, paragraph 3(i)

PURYONO, Mr., Employers’ Association.

IRAWAN, Doddy, Mr., Employers’ Association.

SYAHRUDDIN, Dennis, Mr., Employers’ Association.

KUNTADI, Didik, Mr., Employers’ Association.

HILMAN, Anthony, Mr., Employers’ Association.

Workers’ Delegate

DAVID, Charles, Mr., Chairman, Federation of All Indonesia Trade Unions (FSPSI).

Advisers

PAKPAHAN, Mochtar, Mr., Chairman, Indonesian Welfare Trade Union (SBSI).

RIAMBO, Abdul Aziz, Mr., Chairman, Federation of All Indonesia Democratic Trade Unions (FSBDSI).

AKSAM, Rustam, Mr., Chairman, Trade Union of Textile, Clothes and Leather Industry (SP-TSK).

DAUDE, Abdul Salam, Mr., Chairman, Industrial Trade Unions of Indonesia (GASBIINDO).

ALI, H. Djunaedi, Mr., Secretary-General, Indonesian Moslem Trade Union (SARBUMUSI).

SJAIFUL, D.P., Mr., Vice Chairman, Federation of All Indonesia Trade Unions Reform (FSPSI-Reformasi).

SYUKUR, Bambang S., Mr., Chairman, Federation of State-owned Enterprises Trade Unions (FSP-BUMN).

SUDJANA, Eggi, Mr., Chairman, Indonesian Moslem Workers Brotherhood (PPMI).

MOSSI, H. Thamrin, Mr., Chairman, Indonesia Metal Workers Union (SPMI).

TAVIP, Saepul, Mr., Secretary-General, Association of Trade Unions (ASPEK).

HARYONO, Mr., General Chairman, The Indonesian National Trade Union

PERSONS APPOINTED

Persons appointed in accordance with Article 2, paragraph 3(i)

DAULAT, Joko, Mr., Member, All Indonesian Trade Unions (FSPSI)

SARTO, Syukur, Mr., Member, All Indonesian Trade Unions (FSPSI)

ZEIN, Taslim, Mr., Member, Indonesian National Trade Union

LATIF NASUTION, A, Mr., Member, Indonesian National Trade Union

SUNARIJATI, Ari, Mrs., Trade Union of Textile, Clothes and Leather Industry.

HARISUTIONO, Ediono, Mr., Member, Indonesian Trade Union

Minister attending the Conference

KAMALI, Hossein, Mr., Minister of Labour and Social Affairs.

Persons accompanying the Minister

SOLTANIEH, Ali Asghar, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

APKARI, Mohammad, Mr., Deputy Labour Minister, Cultural and International Affairs.

HOSSEINI, Pirooz, Mr., Ministry of Foreign Affairs.

Government Delegates

ALI-HOSSEINI, Mohammad Taghi, Mr., Counsellor, Labour and Social Affairs.

HEFDAHTAN, Seyed Hassan, Mr., Counsellor, Labour and Social Affairs.
Advisers and substitute delegates

SALIMI, Ne'matollah, Mr., Director-General for Employment.
MOEINI MEYBODI, Hossein, Mr., Deputy Director, International Economic Affairs Department, Ministry of Foreign Affairs.
MONSHIZADEH, Geshvad, Mr., Senior Expert, Labour Relations, Tehran.
TASDIGHI, Shohreh, Ms., Senior Expert, ILO Affairs.
ROSHANI, Issa, Mr., Third Secretary, Permanent Mission, Geneva.
NIKOUHARF, Mr., Expert, International Economic Affairs Department, Ministry of Foreign Affairs.

MATLOUB, Yakoub Youssef, Mr., Director General a.i., Department of Labour and Social Security.

Advisers and substitute delegates

ABDEL-MAJID, Nizar Mohamed, Mr., Expert; Director, Department of Arab and International Relations.
MAHMOUD, Raad G., Mr., Second Secretary, Permanent Mission, Geneva.

Advisers and substitute delegate

ABDELLAH, Najm Hamadi, Mr., Director, Union of Iraqi Industries.

Employers' Delegate

ABDELLAH, Najm Hamadi, Mr., Director, Union of Iraqi Industries.

Employers' Delegate

EGHBALI, Manouchehr, Mr., Secretary-General; Member, Board of Director, Syndicate of Electrical and Mechanical Contractors.

Adviser and substitute delegate

SHA'BANI, Fatemeh, Ms., Managing Director, Pars-Andish Engineering Company; Secretary General, Quality Control of the Iran Industries.

Adviser

MANESH, Najafi, Mr.

Workers' Delegate

SALIMIAN, Jabbar Ali, Mr., Workers' House.

Advisers

TAJEDDIN KHOOZANI, Abdollah, Mr.
MAHJOOB, Ali-Reza, Mr.
HONARI, Morteza, Mr.
HAMZEIE, Mohammad, Mr.
HOZOURI, Fatemeh, Ms.

Advisers

REILLY, Michael, Mr., Third Secretary, Permanent Mission, Geneva.
ARDIFF, Barry, Mr., Attaché, Permanent Mission, Geneva.
MOLLAGHAN, Patricia, Ms., Permanent Mission, Geneva.
Employers' Delegate
DUNNE, John, Mr., Irish Business and Employers' Confederation.

Adviser and substitute delegate
FLOOD, Peter, Mr., Irish Business and Employers' Confederation.

Workers' Delegate
O’DONOVAN, Patricia, Ms., Irish Congress of Trade Unions.

Adviser and substitute delegate
HARALDSSON, Ástrádur, Mr., Attorney-at-Law, Icelandic Federation of Labour.

Adviser
SKÚLASON, Ari, Mr., Icelandic Federation of Labour.

Iceland

Minister attending the Conference
PETURSSON, Páll, Mr., Minister of Social Affairs.

Government Delegates
JÓNSSON, Benedikt, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
BLONDAL, Elin, Ms., Head of Division, Ministry of Social Affairs.

Advisers and substitute delegates
ÁSGEIRSDÓTTIR, Berglind, Ms., Secretary-General, Ministry of Social Affairs.
ÓLAFSSON, Haukur, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
KRISTINSSON, Gylfi, Mr., Advisor, Icelandic Mission to the European Union.

Employers' Delegate
STEFÁNSDÓTTIR, Hrafnhildur, Ms., Attorney-at-Law, Confederation of Icelandic Employers.

Adviser and substitute delegate
MAGNÚSSON, Jón H., Mr., Attorney-at-Law, Confederation of Icelandic Employers.

Workers' Delegate
GUNNARSSON, Hervar, Mr., Vice-Chairman, Icelandic Federation of Labour.

Israel

Minister attending the Conference
YISHAI, Eliyau, Mr., Minister of Labour and Social Affairs.

Government Delegates
PELEG, David, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
WAXMAN, Haim, Mr., First Secretary, Permanent Mission, Geneva.

Advisers and substitute delegates
AVIVI, Ruth, Ms., Legal Adviser, Ministry of Labour and Social Affairs.
PAZ, Eli, Mr., Senior Deputy Director-General, Ministry of Labour and Social Security.
SABAH, Yekutiel, Mr., Director, Planning Department, Ministry of Labour and Social Affairs.

Advisers
MANOR, Uzi, Mr., Director, International Organisations Division, Ministry of Foreign Affairs.
MEDINA, Shlomo, Mr., Senior Adviser, Ministry of Labour and Social Affairs.
BOOTON, Moshe, Mr., Legal Adviser, Labour and Welfare Committee, Knesset.
BARZANI, Aharon, Mr., Director, Employment Service, Ministry of Labour and Social Affairs.
GULUMA, Teizu, Ms., Adviser, Permanent Mission, Geneva.
SUDRI, Izhak, Mr., Spokesman.
BRONCHTEIN, Ofer, Mr., Director-General, People's International Institute, Histadrut.
SHAMIR, Shalom, Mr., Attaché, Permanent Mission, Geneva.

Employers' Delegate
GATTEGNO, Yoseph, Mr., Head, Labour and Human Resources Division, Israel Manufacturers' Association.

Adviser and substitute delegate
HILB, Michael, Mr., Director, Labour Law Department, Israel Manufacturers' Association.
Adviser
BARAK, Yitzhak, Mr., Labour Lawyer.

Workers' Delegate
KARA, Youssef, Mr., Member, Executive Bureau, Histadrut.

Advisers and substitute delegates
PERETZ, Amir, Mr., Secretary-General, Histadrut.
TURGEMAN, Rachel, Ms., Chairman, International Department, Histadrut.
RAYNE, Leslie, Mr., International Department, Histadrut.
ZILONI, Efraim, Mr., Deputy Chairman, Trade Union Department, Histadrut.

QUINTAVALLE, Natalia, Mme, Conseiller, Mission permanente à Genève.
DE CHIARA, Luigi, M., Premier Secrétaire, Mission permanente à Genève.
BRONZINI, Luisa, Mme, Mission permanente à Genève.

Délégué des employeurs
SASSO MAZZUFFERI, Lucia, Mme, Dirigeant, Bureau Affaires internationales, Confindustria; Membre adjoint, Conseil d'administration du BIT.

Conseiller technique et délégué suppléant
MACCIO', Sergio, M., Confindustria.

Conseillers techniques
CATAPANO, Claudio, M., ConfCommercio.
SCIARRI, Giuliano, M., ConfArtigianato.
FERRARA, Giancarlo, M., ABI.

Autres personnes assistant à la Conférence
RAVAGLI, Paolo, M., ConfApi.
OCCHIPINTI, Armando, M., ConfApi.

Délégué des travailleurs
CEDrone, Carmelo, M., UIL.

Conseiller technique et délégué suppléant
COLETTI, Carla, Mme, CGIL.

Conseillers techniques
BRINCHI, M. Grazia, Mme, UIL.
BRIGHI, Cecilia, Mme, CISL.
CHIESA, Antonio, M., Fisba CISL.
PETTENELLO, Roberto, M., CGIL.

Autres personnes assistant à la Conférence
CAL, Luigi, M., CISL.
DEL RIO, Cinzia, Mme, UIL.
BARBIERI, Giacomo, M., CGIL.

Jamaïque
Minister attending the Conference
BUCHANAN, Donald, Mr., Minister of Labour and Social Security.

Government Delegates
SMITH, Ransford A., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SMITH, Gresford, Mr., Divisional Director, Industrial Relations and Allied Services, Ministry of Labour, Social Security and Sport.

**Adviser and substitute delegate**
MARYNS, Charlane, Ms., Minister Counsellor, Permanent Mission, Geneva.

**Advisers**
MOODIE, Neville, Mr., Director, Industrial Safety Division.
BETTON, Symone, Ms., First Secretary, Permanent Mission, Geneva.

**Employers' Delegate**
YING, Neville, Mr., President, Jamaica Employers' Federation.

**Workers' Delegate**
GOODLEIGH, Lloyd, Mr., General Secretary, Jamaica Confederation of Trade Unions.

**Advisers and substitute delegates**
CAVEN, Hopeton, Mr., Trade Union Congress.
DOBSON, Clive, Mr., President, National Workers' Union.
BROWN, Lambert, Mr., First Vice-President, University and Allied Workers' Union.
NELSON, Dwight, Mr., Vice-President, Bustamante Industrial Trade Union.

**Japon  Japan  Japón**

**Minister attending the Conference**
ITOU, Shyouhei, Mr., Vice-Minister of Labour.

**Person accompanying the Minister**
TAKASAKI, Shinichi, Mr., Investigation Officer, Labour Relations Division, Labour Relations Bureau, Ministry of Labour.

**Government Delegates**
HARAGUCHI, Koichi, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
IWATA, Kimie, Ms., Assistant Minister of Labour, Ministry of Labour.

**Advisers and substitute delegates**
KATSURA, Makoto, Mr., Minister, Permanent Mission, Geneva.

SUMI, Shigeki, Mr., Counsellor, Permanent Mission, Geneva.
KURODA, Mizuhiro, Mr., Director, Specialized Agencies' Administration Division, Multilateral Cooperation Department, Foreign Policy Bureau, Ministry of Foreign Affairs.
TAKEZAWA, Masaaki, Mr., Counsellor, Permanent Mission, Geneva.
ISAWA, Akira, Mr., Counsellor, Permanent Mission, Geneva.

**Advisers**
ISHIMOTO, Hiroaki, Mr., Ministerial Councillor, Ministry of Labour.
HARADA, Tadashi, Mr., Director, Local Public Service Personnel Division, Local Public Service Personnel Department, Local Administration Bureau, Ministry of Home Affairs.
ASHIKAGA, Shoji, Mr., Director, Women Workers' Division, Women's Bureau, Ministry of Labour.
KANOE, Junichi, Mr., Director, Trade Union Division, Labour Relations Bureau, Ministry of Labour.
ASUKA, Shigeru, Mr., Director, Overseas Cooperation Division, Human Resources Development Bureau, Ministry of Labour.
TAKASHIMA, Naohito, Mr., Counsellor, Bureau of Administrative Services.
BEPPU, Atsuhiko, Mr., Counsellor, Personnel Bureau, Management and Coordination Agency.
ENOMOTO, Katsuya, Mr., Chief Central Expert Officer in Industrial Safety, Safety Division, Industrial Safety and Health Department, Labour Standards Bureau, Ministry of Labour.
OJIKA, Masaya, Mr., Investigation Officer, Policy Planning Division, Women's Bureau, Ministry of Labour.
CHIBA, Akira, Mr., First Secretary, Permanent Mission, Geneva.
UEHARA, Takanori, Mr., First Secretary, Permanent Mission, Geneva.
HANADA, Sunao, Mr., Deputy Director, Fertilizer and Machinery Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries.
SHIMADA, Hiroko, Ms., First Secretary, Permanent Mission, Geneva.
OGATA, Tsuyoshi, Mr., First Secretary, Mission to the European Union.
KITSUKA, Kinya, Mr., Deputy Director, International Labour Affairs Division, Minister's Secretariat, Ministry of Labour.
MORI, Akinori, Mr., First Secretary, Permanent Mission, Geneva.
SASAKI, Kuniomi, Mr., Expert Officer on Industrial Health, International Office, Industrial Safety and Health Department, Labour Standards Bureau, Ministry of Labour.

**Other persons attending the Conference**
SATO, Turo, Mr., First Secretary, Permanent Mission, Geneva.
YAMAKOSHI, Nobuko, Ms., Deputy Director, Fire 
Defence Division, Fire and Disaster Management 
Agency, Ministry of Home Affairs.

KIMURA, Kimihiko, Mr., Deputy Counsellor, Personnel 
Bureau, Management and Coordination Agency.

ITO, Akihiko, Ms., Investigation Officer, Trade Union 
Division, Labour Relations Bureau, Ministry of 
Labour.

TANAKA, Sachiko, Ms., Deputy Director, Administrative 
Affairs Division, Women's Bureau, Ministry of Labour.

OKUMA, Yukari, Ms., Official, Specialized Agencies' 
Administration Division, Ministry of Foreign Affairs.

FUKUSHIMA, Katsuya, Mr., Deputy Director, Staffing, 
Salary and Compensation Division, Ministry of Posts 
and Telecommunications.

KONDO, Maiko, Ms., Section Chief, International Labour 
Affairs Division, Ministerial Secretariat, Ministry of 
Labour.

NAKAMURA, Kohei, Mr., Second Secretary, Permanent 
Mission, Geneva.

HEDLUND, Kyle, Mr., Political Analyst, Permanent 
Mission, Geneva.

Employers' Delegate

OKUDA, Hiroshi, Mr., Chairman, Japan Federation of 
Employers' Associations (NIKKEIREN); Chairman of 
the Board, Toyota Motor Corporation.

Adviser and substitute delegate

SUZUKI, Toshio, Mr., Policy Board Member, 
NIKKEIREN; Managing Director, NIKKEIREN 
International Cooperation Centre; Member, Governing 
Body of the ILO.

Advisers

YANO, Hironori, Mr., Deputy Director-General, 
NIKKEIREN.

SUZUKI, Masato, Mr., Deputy Director, Education Policy 
and Training Division, NIKKEIREN.

SUZUKI, Shigeya, Mr., Labour Legislation Division, 
NIKKEIREN.

Other persons attending the Conference

TSURUSAWA, Takashi, Mr., Assistant to the Chairman, 
NIKKEIREN.

KASAMA, Masaharu, Mr., Assistant, NIKKEIREN.

NAGATA, Toshihiro, Mr., Assistant to the Chairman, 
NIKKEIREN.

SUZUMURA, Hiromi, Ms., Assistant to the Chairman, 
NIKKEIREN.

SANUI, Nobuko, Ms., Deputy Director, International 
Division, NIKKEIREN.

Workers' Delegate

ITO, Sukesada, Mr., Member, Governing Body of the ILO; 
Counsellor, Japanese Trade Union Confederation 
(JTUC-RENGO).

Adviser and substitute delegate

TAKASHIMA, Junko, Ms., Assistant General Secretary, 
JTUC-RENGO.

Advisers

OKADA, Shinichiro, Mr., President, National Federation 
of Agricultural, Forestry and Fishery Corporations' 
Workers' Unions.

INOUCIHI, Noboru, Mr., Director, International 
Department, All Japan Prefectural and Municipal 
Workers' Union (JICHIRO).

TOKUMO, Machiko, Ms., Deputy Director, Wage and 
Working Conditions Department, JICHIRO.

IWASHITA, Keiji, Mr., Chief Executive, Takeda 
Chemical Workers' Union.

TANAKA, Mitsuo, Mr., Director, International Policy 
Division, International Affairs Department, JTUC- 
RENGO.

ABE, Yozo, Mr., Representative, Rengo Office in Europe, 
JTUC-RENGO.

ICHIKAWA, Kiyomi, Ms., Assistant Director, Gender 
Equality Division, JTUC-RENGO.

NAKAGIRI, Takao, Mr., Assistant Director, Employment 
and Wage Division, JTUC-RENGO.

YOSHIDA, Shoya, Mr., Chief, International Policy 
Division, International Affairs Department, JTUC- 
RENGO.

Other persons attending the Conference

HAZUMI, Mikiyo, Mr., Chief, International Policy 
Division, RENGO.

BANNAI, Mitsuo, Mr., Secretary-General, ZENROREN.

IKEDA, Hiroshi, Mr., Head, Planning Bureau, 
ZENROREN.

Minister attending the Conference

AL-FAYEZ, Eid, Mr., Minister of Labour.

Person accompanying the Minister

DIAB, Mohamad Ali, Mr., Secretary General, Ministry of 
Labour.

Government Delegates

SHAHATEET, Issam, Mr., Director, Labour Inspection 
Department, Ministry of Labour.

ABU-GHALIOUN, Sulaiman, Mr., Director, International 
Cooperation Department, Ministry of Labour.

Adviser and substitute delegate

MADI, Shehab A., Mr., Ambassador, Permanent 
Representative, Permanent Mission, Geneva.
Advisers

JAZIEH, Husni, Mr., Director, Labour Office.
AL-GHNMIEN, Muhammad, Mr., Under-Secretary, Ministry of Labour.
AL-ROSSAN, Najwa, Ms., Director, Public Relations and Information Department, Ministry of Labour.
ZIDAN, Naeef, Mr., Counsellor, Permanent Mission, Geneva.
DAJANI, Shukri, Mr., Special Adviser, Permanent Mission, Geneva.

Employers' Delegate

ASFOUR, Bashar, Mr., Member, Board of Directors, Amman Chamber of Industry.

Workers' Delegate

AL-MAAYTA, Mazin, Mr., President, Federation of Trade Unions.

Advisers

ABU-KHADRA, Ahmad, Mr.
ABU-ANGOUR, Husni, Mr.

Kazakhstan

Government Delegates

KUANYSHBAEVA, Rosa, Ms., Vice-Minister of Labour and Social Security of the Population.
DANENOV, Nurlan, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Adviser and substitute delegate

ZHUSSUPOV, Erik, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

URKUMBAEV, Mars, Mr., President, Confederation of Employers.

Workers' Delegate

MUKASHEV, Siazbek, Mr., President, Federation of Trade Unions.

Adviser and substitute delegate

SOLOMIN, Leonid, Mr., President, Confederation of Free Trade Unions.

Kenya

Minister attending the Conference

NGUTU, Joseph Kimeu, Mr., Minister for Labour.

Government Delegates

GITU, Kang'ethe Wamaitha, Mr., Permanent Secretary, Ministry of Labour and Human Resource Development.
MWADIME, Herman Francis Nyambu, Mr., Commissioner for Labour, Ministry of Labour and Human Resource Development.

Advisers and substitute delegates

RANA, Kipkorir Aly Azad, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
NGARE, Ephraim Waweru, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

SAKARI, William Davy Osula, Mr., Director, Directorate of Occupational Health and Safety Services, Ministry of Labour and Human Resource Development.
SOLI, John Kipruto, Mr., Director, Technical and Vocational Training, Ministry of Labour and Human Resource Development.
NZOMO, Lydia Nkuene, Ms., Deputy Commission Secretary, Teachers' Service Commission.
GAKUNGA, John Mwangi, Mr., Public Relations Officer, Ministry of Labour and Human Resource Development.

Employers' Delegate

OWUOR, Tom Diju, Mr., Executive Director, Federation of Kenya Employers.

Adviser and substitute delegate

SHAH, Hirji, Mr., National Chairman, Federation of Kenya Employers.

Advisers

MOSETI, Absalom Nyang'au, Mr., Managing Director, Kisii Bottlers Limited.
OKUNGU, Grace Ogal, Ms., Human Resources Manager, Kenya Sugar Authority.
NASIREMBE, Justus Wanyonyi Tony, Mr., Human Resources Manager, Mumias Sugar Company.
ONYACH, Jared Onyango, Mr., South Nyanza Sugar Company.
Workers' Delegate
MUNYAO, Boniface Musyoka, Mr., Deputy Secretary-General, Central Organisation of Trade Unions (COTU).

Adviser and substitute delegate
WA-MUSAMIA, Wafula, Mr., Executive Board Member, COTU.

Adviser
SIMIYU, Roselinda, Ms., Chairperson, Kenya Union of Sugar Plantation Workers.

République de Kiribati     Kiribati

Government Delegates
TETABEA, Teiraoi, Mr., Minister of Labour, Employment and Co-operative.
TAIKONE, Atireti, Mr., Deputy Secretary, Ministry of Labour, Employment and Co-operative.

Koweït      Kuwait

Minister attending the Conference
AL-WAZZAN, Abdulwahab Mohammed, Mr., Minister of Social Affairs and Labour; Minister of Commerce and Industry.

Government Delegates
AL-RAZZOOQI, Dharar Abdul-Razzak, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
AL-SABAHA, Shaikh Duaj Khaleefa, Mr., Undersecretary, Ministry of Social Affairs and Labour.

Adviser and substitute delegate
AL ME'DHADI, Hamad Abdullah, Mr., Assistant Undersecretary for Labour Affairs.

Advisers
AL-OMAR, Adnan Ali, Mr., Director, Foreign Relations Department.
AL-ORAFI, Waled Nasser, Mr., Director, Minister's Office.
AL-SUMAIT, Mubarak Mohammed, Mr., Director, Labour Inspection Department.
AL-AWADHI, Nadir Abdulrahman, Mr., Director, Al-Jahra Governorate Labour Department.

Employers' Delegate
AL-BEJAN, Abdullah Mohammed, Mr., Board Member, Kuwait Chamber of Commerce and Industry.

Adviser and substitute delegate
AL-RABAH, Rabah Abdulrahman, Mr., Assistant Director General, Kuwait Chamber of Commerce and Industry.

Advisers
AL-HAROON, Ahmed Rashed, Mr., Director General, Kuwait Chamber of Commerce and Industry.
AL-MENAYYES, Salah Abdullateef, Mr., Researcher, Industry and Work Department.

Workers' Delegate
AL-AJMI, Mohammed Salman, Mr., Vice-Chairman, Kuwait Trade Union Federation.

Advisors
AL-AZMI, Fahad, Mr., Assistant General Secretary, Kuwait Trade Union Federation.
AL-AJMI, Mubarak Mohammed, Mr., Financial Secretary, Kuwait Trade Union Federation.
AL-AJMI, Mohammed Sayel, Mr., Member of Executive Council, Kuwait Trade Union Federation.

République dém. populaire du Lao
Lao People's Dem. Republic
República Dem. Pop. Lao

Ministre assistant à la Conférence
PHENGKHAMMY, Somphanh, M., Ministre du Travail et des Affaires sociales.

Délégués gouvernementaux
TANDAVONG, Sisouvan, M., Directeur général, Département du Travail.
VISISOMBAT, Khamphan, M., Consultant.

Délégué des employeurs
BOUTSIVONGSAKD, One Sy, M., Membre exécutif, Chambre de Commerce et Industries.
Délégué des travailleurs

VANNABOATHONG, Kham Pheng, M., Acting Director of Labour Protection and Development, Lao Federation of Trade Unions.

Minister attending the Conference

MOLOPO, N.V., Mr., Minister of Employment and Labour.

Government Delegates

MORAKENG, M.H., Mr.
MATSOSO, M., Ms.

Advisers and substitute delegates

MASHEANE, M., Ms.
KOTELA, M., Ms.
NKOTSI, M., Mr.
LESOLI, R., Ms.
SETIPA, J., Mr.

Employers' Delegate

MAKEKA, T., Mr.

Adviser and substitute delegate

SEKONYELA, H., Mr.

Workers' Delegate

MOTOPELA, M.J., Mr.

Liban Lebanon Libano

Ministre assistant à la Conférence

MOUSSA, Michel, M., Ministre du Travail.

Personne accompagnant le Ministre

NASR, Walid, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

GHORAYEB, William, M., Conseiller du Ministre du Travail en matière du Travail et de Traités internationaux.
AL-HAJ HASSAN, Fawzi, M., Chef du Cabinet, Ministère du Travail.

Conseillers techniques

GEDEON, Moussa, M., Directeur général, Institut national de l'Emploi.
SAAB, May, Mme, Chef, Section des Relations extérieures.
SAAD, Farès, M., Chef adjoint, Service du Travail et des Relations professionnelles.
SOUEID, Maarouf, M., Conseiller.
SALMANE, Mehdi, M., Vice-Président, Conseil d'Administration, Caisse nationale de la Sécurité sociale.
SALMANE, Nour, M., Membre, Conseil d'Administration, Caisse nationale de la Sécurité sociale.
ALAM, Georges, M., Membre, Conseil d'Administration, Caisse nationale de la Sécurité sociale.
MAGED, Khalil, M., Directeur général, Caisse nationale de la Sécurité nationale.

Délégués des employeurs

HAMADE, Saïd Khalil, M.

Conseillers techniques et délégués suppléants

BSAT, Mounir, M.
BALBOUL, Fouad, M.

Conseiller technique

BAYDOUN, Mouaffak, M.

Délégué des travailleurs

ABOU RIZK, Elias, M., Président, Confédération générale des Travailleurs.
Conseillers techniques

SAKR, Saad Eldine Homeidi, M.
TLEISS, Bassam, M.
NAJDAH, Abdul Amir, M.

Liberia

Minister attending the Conference
NEUFVILLE, Christian H., Mr., Minister of Labour.

Government Delegates
FAHN, Bedell, Mr.
CHATTAH, T. Robert Lee, Mr.

Advisers
HARVEY, Dwight M., Mr.
KWABO, Nathaniel T., Mr.
FLEMING, S. Loyola, Mr.
HERBERT, Christian, Mr.
WILLIAMSON, Henry D., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
CLARKE, Edward, Mr.
DAHN, George H., Mr.
JOHNSON, L. Koboi, Mr.

Employers' Delegates
COOPER, Eugene, Mr.

Advisers
WILLIAMS, M. Theo, Mr.
HADDAD, George, Mr.
CHEA, Sarkwadae, Mr.
ROBERTS, F., Mr.
ATTIA, Alexander G., Mr.

Workers' Delegate
KAWAH, Alexander S., Mr.

Advisers
DAVIS, James N., Mr.
NYAIN, Paul V., Mr.
FATORMA, Richard, Mr.
ANKRAH, Edith K., Ms.

Jamahiriya arabe libyenne
Libyan Arab Jamahiriya
Jamahiriya Arabe Libia

Government Delegates
DERBI, Abdulhafid Mohamed, Mr., Representative, Governing Body of the ILO.
IBRAHIM, Saleh, Mr., General People's Committee.

Advisers and substitute delegates
AL-HAJJAJI, Naja, Ms., Chargé d'Affaires, Permanent Mission, Geneva.
SAID, Ashref, Mr., Social Security Fund.
BEN SHABAN, Taher, Mr., General People's Committee for Foreign Liaisons and International Cooperation.
ABUSEIF, Mahmud, Mr., Counsellor, Permanent Mission, Geneva.

Employers' Delegate
SARRAJ, Mowafak Nagati, Mr., General Secretary, Libyan-Maltese Companies.

Adviser and substitute delegate
HAMED, Farhat Omar, Mr., General Secretary, Furnitures Company.

Workers' Delegate
IBRAHIM, Abdallah Idris, Mr., Secretary, Trade Union Federation of Producers.

Advisers and substitute delegates
EZLITNI, Mahmoud Mustafa, Mr., Deputy Secretary-General, Trade Union Federation of Producers.
OSMAN, Agily Hussein O., Mr., Secretary, International Relations, General Trade Union Federation.
NAILI, Salem Mukhtar, Mr., General Trade Union Federation.

Lituanie
Lithuania
Lituania

Minister attending the Conference
DEGUTIENE, Irena, Ms., Minister of Social Security and Labour.

Government Delegates
NAVIKAS, Audrius, Mr., Chargé d'Affaires a.i., Permanent Mission, Geneva.
MACKONYTE, Rita, Ms., Head, European Integration Division, Ministry of Social Security and Labour.
Advisers and substitute delegates

MISKINYTE, Vilmante, Ms., Senior Lawyer, European Integration Division, Ministry of Social Security and Labour.
GAILIUNAS, Arturas, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

ALELIUNAS, Mykolas, Mr., Vice President, Confederation of Lithuanian Industrialists.

Adviser and substitute delegate

SUTKUS, Valdas, Mr., Chief of Public Relations, Confederation of Lithuanian Industrialists.

Workers' Delegate

BALSIENE, Aldona, Ms., President, Lithuanian Workers' Union.

Luxembourg Luxembourg Luxemburgo

Ministre assistant à la Conférence

BILTGEN, François, M., Ministre du Travail et de l'Emploi.

Personne accompagnant le Ministre

PRANCHERE-TOMASSINI, Michèle, Mme, Ambassadeur, Représentante permanente, Mission permanente à Genève.

Délégués gouvernementaux

ZAHLEN, Jean, M., Premier conseiller de Gouvernement, Ministère du Travail et de l'Emploi.
MOUSEL, Jean-Marie, M., Directeur, Administration de l'Emploi.

Conseillers techniques et délégués suppléants

SCHOLTUS, Mariette, Mme, Conseiller de Gouvernement 1ère classe, Ministère du Travail et de l'Emploi.

Conseillers techniques

FABER, Joseph, M., Conseiller de direction 1ère classe, Ministère du Travail et de l'Emploi.
HOFFMANN, Jean, M., Conseiller économique 1ère classe, Administration de l'Emploi.
FISCH, Maryse, Mme, Conseiller de Gouvernement, Ministère du Travail et de l'Emploi.

WELTER, Nadine, Mme, Attaché d'Administration, Ministère du Travail et de l'Emploi.
DORNSEIFFER, Erny, M., Inspecteur principal 1er rang, Ministère du Travail et de l'Emploi.
TUNSCH, Gary, M., Inspecteur principal, Ministère du Travail et de l'Emploi.
WEBER, Alain, M., Premier Secrétaire, Mission permanente à Genève.
DALEIDEN, Christiane, Mme, Conseiller, Mission permanente à Genève.
SCHIERTZ, Joëlle, Mme, Attaché, Mission permanente à Genève.

Délégué des employeurs

BERTRAND-SCHAUL, Christiane, Mme, Conseiller, Fédération des Industriels luxembourgeois.

Conseiller technique et délégué suppléant

SAUBER, Marcel, M., Directeur, Fédération des Artisans.

Conseillers techniques

SCHMIT, Romain, M., Directeur adjoint, Fédération des Artisans.
KIEFFER, Marc, M., Conseiller juridique, Fédération des Industriels luxembourgeois.

Délégué des travailleurs

PIZZAFERRI, René, M., Membre, Comité national, Confédération générale du Travail.

Conseiller technique et délégué suppléant

GOERGEN, Viviane, Mme, Secrétaire général adjoint, Confédération luxembourgeoise des Syndicats chrétiens.

Conseillers techniques

BAUSCH, Eugène, M., Membre, Comité national, Confédération générale du Travail.
NIELES, Danièle, Mme, Membre, Comité national, Confédération générale du Travail.
HELMINGER, Liliane, Mme, Secrétaire syndicale, Confédération luxembourgeoise des Syndicats chrétiens.
DALEIDEN, Jos, M., Secrétaire général, Confédération générale de la Fonction publique.
TRAUSCH, Pierre, M., Premier Vice-Président, Confédération générale de la Fonction publique.

Madagascar

Délégués gouvernementaux

RAZAFINAKANGA, Alice, Mme, Ministre de la Fonction publique, du Travail et des Lois sociales.
**ZAFERA, Maxime, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.**

**Conseillers techniques et délégués suppléants**

DAMA, Arsène, M., Directeur général du Travail et des Lois sociales.

RAKOTONARIVO RAZAFIMAHAZO, Léa, Mme, Directeur du Travail.

**Conseillers techniques**

RAJAONARIVONY, Farahanta, Mme, Chef, Division des Normes à la Direction du Travail, Ministère de la Fonction publique, du Travail et des Lois sociales.

EDAFE, Phabien, M., Conseiller.

PASEA, Yolande, Mme, Conseiller.

ANDRIANJAKA, Clarah, Mme, Secrétaire d'Ambassade.

ALLAOUIDINE, Koraiche, M., Secrétaire d'Ambassade.

**Délégué des employeurs**

ANDRIANTSITOHAINA, Charles, M., Président d’honneur, Groupement des Entreprises de Madagascar (GEM).

**Conseiller technique et délégué suppléant**

RABEMANANTSOA, Emile, M., Premier Vice-Président, Groupement des Opérateurs malgaches (FIVMPAMA).

**Délégué des travailleurs**

RAHAINGO, Faustin, M., Chef, Département international, Centrale syndicale "FISEMARE".

**Conseiller technique et délégué suppléant**

ROBEL, Blaise, M., Secrétaire général, Confédération chrétienne des syndicats malgaches (SEKRIMA).

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**Malaisie**  
**Malaysia**  
**Malasia**

**Minister attending the Conference**

ABDUL LATIFF, Ahmad, Mr., Deputy Minister of Human Resources, Ministry of Human Resources.

**Person accompanying the Minister**

HAMIDON, Bin Ali, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

**Government Delegates**

DATO' ZAINOL ABIDIN, Abd. Rashid, Mr., Secretary General, Ministry of Human Resources.

ABU BAKAR, Che'Man, Mr., Director-General, Occupational Safety and Health Department, Ministry of Human Resources.

**Advisers and substitute delegates**

MUNUSAMY, P., Mr., Principal Assistant Secretary, International Section, Ministry of Human Resources.

HASNUDIN, Hamzah, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

MOHD. YUNUS, Razzaly, Mr., Principal Assistant Secretary, Planning and Policy Research Division, Ministry of Human Resources.

SHARIFAH FUZIAH, Syed Abdullah, Mr., Counsellor (Labour Affairs), Permanent Mission, Geneva.

AYATILLAH, Ahmad, Mr., Counsellor, Permanent Mission, Geneva.

RAJA NUSHIRWAN, Zainal Abidin, Mr., Second Secretary, Permanent Mission, Geneva.

ROHANI, Husain, Mr., Second Secretary, Permanent Mission, Geneva.

BAHARUDDIN, Munshie, Mr., Deputy Minister's Secretary.

**Employers' Delegate**

DR. MOKHZANI, Bin Abd. Rahim, Mr., President, Malaysian Employers' Federation (MEF).

**Adviser and substitute delegate**

SHAMSUDDIN, Bin Bardan, Mr., Executive Director, Malaysian Employers' Federation (MEF).

**Workers' Delegate**

ZAINAL, Rampak, Mr., President, Malaysian Trade Union Congress (MTUC).

**Adviser and substitute delegate**

SUBRAMANIAM, Siva, Mr., President, Congress of Union of Employees in the Public of Civil Services (CUEPACS).

**Advisers**

MOHD. SHAFIE, Bp Mammal, Mr., Deputy President, MTUC.

SILAM, Hassan, Ms., Vice President, MTUC.

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Malawi

Minister attending the Conference
CHUPA, Peter, Mr., Minister of Labour and Vocational Training.

Government Delegates
MONONGA, Martin M., Mr., Principal Secretary. 
KAMBUTO, Zebrohn M.K., Mr., Labour Commissioner.

Advisers
ZIRIKUDONDO, Elias D., Mr., Principal Labour Officer. 
TEMBO, Autman M., Mr., Principal Occupational Safety and Health Officer.

Employers' Delegate
BANDA, George T., Mr., Executive Secretary, Tea Association.

Workers' Delegate
ANTONIO, Francis L., Mr., Secretary General, Malawi Congress of Trade Unions (MCTU).

Adviser and substitute delegate
BANDA, Thomas L., Mr., President, Congress of Malawi Trade Unions (COMATU).

Mali

Ministre assistant à la Conférence
SISSOKO, Makan Moussa, M., Ministre de l'Emploi et de la Formation professionnelle.

Délégués gouvernementaux
DIAKITE, Mahamadou, M., Conseiller technique au Ministère de l'Emploi et de la Formation professionnelle. 
MAHAMANE, Baba Samba, M., Directeur national de l'Emploi, du Travail et de la Sécurité sociale.

Conseillers techniques et délégués suppléants
TRAORE, Bakary, M., Directeur général de l'Office national de la Main d'Oeuvre et de l'Emploi (ONMOE). 
KONATE, Ibrahima, M., Directeur général de l'Institut national de Prévoyance sociale (INPS). 
SIDIBÉ, Nouhoum, M., Conseiller technique, Ministère du Développement social, de la Solidarité et des Personnes âgées.

Conseillers techniques
DICKO, Fatoumata Abdourhamane, Mme, Chef de Division, Direction nationale de l'Emploi, du Travail et de la Sécurité sociale. 
DIALL, Ankisso, M., Attaché de Direction, Institut national de Prévoyance sociale (INPS).
MIFSUD, Annabelle, Ms., First Secretary, Permanent Mission, Geneva.
AGIUS, P. Clive, Mr., Counsellor, Permanent Mission, Geneva.

Employers’ Delegate
MALLIA MILANES, Alfred, Mr., Director General, Malta Employers’ Association; Deputy Member, Governing Body of the ILO.

Advisers and substitute delegates
SCICLUNA, John, Mr., Administration Manager, Malta Federation of Industry.
DELLA, Joseph, Mr., Deputy President, Malta Employers’ Association.
MIZZI, Lawrence, Mr., Vice President, Malta Employers’ Association.
SCICLUNA, Victor, Mr., President, Malta Employers’ Association.

Workers’ Delegate
CUTAJAR, Mario, Mr., Deputy Secretary General, General Workers’ Union.

Advisers and substitute delegates
VELLA, Gaetano, Mr., Official, Confederation of Malta Trade Unions (CMTU).
BUHAGIAR, Alfred, Mr., President, CMTU.
ZARB, Tony, Mr., Secretary General, General Workers’ Union.
Pearsall, James, Mr., President, General Workers’ Union.
GRILLO, Joseph, Mr., Official, CMTU.

Maroc  Morocco  Marruecos

Ministre assistant à la Conférence
ALIOUA, Khalid, M., Ministre du Développement social, de la Solidarité, de l’Emploi et de la Formation professionnelle.

Délégués gouvernementaux
BENJELLOUN-TOUMI, Nacer, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
TADILLI, Mohamed, M., Directeur du Travail, Ministère du Développement social, de la Solidarité, de l’Emploi et de la Formation professionnelle.

Conseillers techniques
CHATER, El Hadi, M., Chef, Division de la Réglementation et des Organismes internationaux du Travail, Ministère du Développement social, de la Solidarité, de l’Emploi et de la Formation professionnelle.

Délégué des employeurs
LAHJOUI, Abderrahim, M., Président, Confédération générale des entreprises (CGEM).

Conseillers techniques
ABDELKADER BELARBI, Mohamed, M., CGEM.
KETTANI, Aziz, M., CGEM.
KOLLOU, Larbi, M., CGEM.
ZAHIR, Abdellah, M., Président, Fédération des Chambres de Commerce, d’Industrie et de Service (FCCISM).
HAWAT, Driss, M., FCCISM.
OUSSLIM, El Hassan, M., Directeur, FCCISM.
BOUDHIM, Mohamed, M., Chef, Département de la coopération, FCCISM.

Délégué des travailleurs
AFILAL, Abderrazak, M., Secrétaire général, Union générale des Travailleurs du Maroc (UGTM).

Conseillers techniques
EL AMAOUI, Noubir, M., Secrétaire général, Confédération démocratique du Travail (CDT).
KAFI CHERRAT, Mohamed, M., UGTM.
KABBAJ, Mohamed Larbi, M., UGTM.
BOUZIA, Mohamed, M., CDT.
BOUZOUBAA, Abdelmajid, M., CDT.
BENLARBI, Allal, M., CDT.
BOUCHENTOUF, Bouchra, Mme, CDT.
EZZOUMI, Khadija, Mme, UGTM.
BIKRE, Sabah, Mme, UGTM.
ZIDOUH, Brahim, M., UGTM.
IDRISI, Amrani, M., UGTM.
Maurice Mauritius Mauricio

Minister attending the Conference
FAUGOO, Satia Veyash, Mr., Minister of Labour and Industrial Relations, Employment and Human Resource Development.

Person accompanying the Minister
BAICHOO, Dhurmahdass, Mr., Permanent Representative, Permanent Mission, Geneva.

Government Delegates
GARIA, Moortooja, Mr., Permanent Secretary, Ministry of Labour and Industrial Relations, Employment and Human Resource Development.
JOLIE, Philippe Gérard Volcy, Mr., Chief Labour Officer, Ministry of Labour and Industrial Relations, Employment and Human Resource Development.

Advisers and substitute delegates
DWARKA-CANABADY, Usha Chandnee, Mrs., Minister Counsellor, Permanent Mission, Geneva.
SAWMY, Ravin, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate
JEETUN, Azad, Mr., Director, Mauritius Employers' Federation.

Adviser and substitute delegate
WOO SHING HAI, François, Mr., President, Mauritius Employers' Federation.

Workers' Delegate
LUTCHMUN ROY, Nurdeo, Mr., President, Mauritius Labour Congress.

Adviser and substitute delegate
IMRITH, Rashid, Mr., Secretary, National Trade Union Confederation.

Mauritanie Mauritania Mauritania

Ministre assistant à la Conférence
OULD SIDI, Baba, M., Ministre de la Fonction publique, du Travail, de la Jeunesse et des Sports.
CARVALHO SOTO, Perla, Sra., Embajadora, Representante Permanente Alterna, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

TIRADO ZAVAŁA, Carlos, Sr., Coordinador General de Asuntos Internacionales, Secretaría del Trabajo y Previsión Social.

HERNANDEZ BASAVE, Arturo, Sr., Ministro, Misión Permanente en Ginebra.

ROVIROSA PRIEGO, Socorro, Sra., Ministro, Misión Permanente en Ginebra.

CALVO, Columba, Sra., Directora de Organismos Técnicos y Presupuesto, Secretaría de Relaciones Exteriores.

RODRIGUEZ OLVERA, Oscar, Sr., Director para la Organización Internacional del Trabajo, Secretaría del Trabajo y Previsión Social.

SOSA MARQUEZ, Lourdes, Sra., Segundo Secretario, Misión Permanente en Ginebra.

DÍAZ DÍAZ, Tomás, Sr., Segundo Secretario, Misión Permanente en Ginebra.

NEGRÍN, Alejandro, Sr., Consejero, Misión Permanente en Ginebra.

PRIA, Melba, Sra., Directora, Instituto Nacional Indigenista (INI)

OLIVA ROSAS, Mónica, Sra., Asesora, Instituto Nacional Indigenista (INI)

ROSAS RODRÍGUEZ, Antonio, Sr., Secretaria del Trabajo y Previsión Social

Otra persona que asiste a la Conferencia

TORRE MARTÍNEZ, Alejandro Javier, Sr., Presidente, Junta Local de Conciliación y Arbitraje, Nueva León.

Delegado de los empleadores

DE REGIL, Jorge A., Sr., Presidente, Comisión del Trabajo de CONCAMIN; Miembro, Consejo de Administración de la OIT.

Consejeros técnicos y delegados suplentes

CARBAJAL BUSTAMANTE, Octavio, Sr., Presidente, Comisión del Trabajo y Previsión Social de CONCAMIN.

CAMPUZANO ZAMBRANO, Guillermo, Sr., Director Jurídico Laboral, CEMEX; Miembro, Comisión Laboral de COPARMEX.

Consejeros técnicos

MORALES, Hugo Italo, Sr., Presidente, Comisión Laboral de CANACINTRA.

YLLANES MARTINEZ, Fernando, Sr., Presidente, Comité de Derecho Laboral, CCE.

SANTOS, Enrique, Sr., Director Jurídico Laboral, Grupo Vitro; Miembro, Comisión Laboral, COPARMEX.

DÍAZ GUAJARDO, Amado, Sr., Comisión Laboral, CANACINTRA Nuevo León.

SOTO PRIANTE, Sergio, Sr., Director, Relaciones Internacionales, COPARMEX.

GARZA MERODIO, María Fernanda, Sra., Comisión de Trabajo, COPARMEX.

MENA, Virgilio, Sr., Comisión de Trabajo, COPARMEX.

MARTINEZ BARRERA, Mercedes, Sra., Comisión de Trabajo, COPARMEX.

PENICHE AZNAR, Roxana, Sra., Comisión de Trabajo, COPARMEX.

Otras personas que asisten a la Conferencia

MARTINEZ GALLARDO, Alejandro, Sr., Presidente, CONCAMIN.

MORALES SALDAÑA, Julio César, Sr., Comisión Laboral, CANACINTRA.

SANCHEZ, Tomás Natividad, Sr., Presidente, Comisión Laboral, COPARMEX.

MORALES, José Manuel, Sr., Comisión Laboral, CANACINTRA.

Delegado de los trabajadores

ANDERSON NEVAREZ, Hilda, Sra., Secretaria de Acción Femenil, Comité Nacional, CTM; Miembro, Consejo de Administración de la OIT.

Consejeros técnicos

CALLEJA GARCIA, Juan Moisés, Sr., Director, Departamento Jurídico, Comité Nacional, CTM.

DEL VALLE PEREZ, José, Sr., Representante ante Organizaciones Internacionales, CROC.

MEDINA TORRES, Salvador, Sr., Subsecretario de Relaciones, Comité Nacional, CTM.

SOSA ARREOLA, Juan José, Sr., Secretario General, Sindicato Nacional de Trabajadores, Compañía "Ford Motor Company" S.A., CTM.

VELASCO PEREZ, Juan Carlos, Sr., Secretario de Transporte, Comité Nacional, CTM.

DIAZ VARGAS, Luis, Sr., Sindicato Único de Trabajadores Electricistas, CTM.

MENDEZ MOGUEL, Patricia, Sra., CROC.

VIVANCO, Adela, Sra., CROC.

GARCÍA, Maritza, Sra., CROC.

LEAL DELGADO, Cristina, Sra., CROC.

MALDONADO, César, Sr., CROC.

République de Moldova
Republic of Moldova
República de Moldova

Ministre assistant à la Conférence

REVENCO, Valerian, M., Ministre du Travail, de la Protection sociale et de la Famille.
Délégués gouvernementaux
CHEPTENE, Andrei, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
CALMIC, Adrian, M., Conseiller, Représentant permanent adjoint, Mission permanente à Genève.

Conseiller technique
NEGRI, Liuba, Mme, Deuxième Secrétaire, Mission permanente à Genève.

Délégué des employeurs
CERESCU, Leonid, M., Président, Confédération nationale du Patronat.

Délégué des travailleurs
GODONOGA, Ion, M., Président, Fédération générale des Syndicats.

Mongolie Mongolia Mongolia

Government Delegates
BOLD, Sukh-Ochir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
BOLDBAATAR, Danzannorov, Mr., Counsellor, Permanent Mission, Geneva.

Advisers
BOLORMAA, Tsoodol, Mrs., Officer, Ministry of Health and Social Welfare.
ERDENEBULGAN, Bat-Ochir, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate
JANTSAN, Dagdan, Mr., Vice-President, Mongolian Employers' Federation.

Workers' Delegate
SUKHBAATAR, Zalmaa, Mr., Senior Officer, Confederation of Mongolian Trade Unions.

Mozambique

Minister attending the Conference
SEVENE, Mário Lampiaõ, Mr., Minister of Labour.

Government Delegates
HERCULANO, Luis, Mr., National Director, Institute of Social Security.
MACHAIJEIE, Baptista Ismael, Mr., Director, Office of Studies.

Advisers and substitute delegates
CAIFAZ, Ilidio Fernando, Mr., National Director, Professional Training.
TAÏMO, Pedro, Mr., Delegate to South Africa, Ministry of Labour.
SITOLE, Nordestina Felicidade M., Ms., Technician of Cooperation.

Workers' Delegate
MANJAZE, Pedro, Mr., International Relations Secretary, Mozambique's Workers Organization (OTM-CS).
TINT, Kyaw Swa, Mr., First Secretary, Permanent Mission, Geneva.
AUNG, Moe Kyaw, Mr., First Secretary, Permanent Mission, Geneva.
TIN, Ei Ei, Ms., Second Secretary, Permanent Mission, Geneva.
HTUT, Ye, Mr., Second Secretary, Permanent Mission, Geneva.

**Employers' Delegate**

NYUNT, Myo, Mr., Member, Executive Committee, Federation of Chambers of Commerce and Industry.

**Workers' Delegate**

BARBARO, Eileen, Ms., Chairman, Myanmar Nurses Association.

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**Namibie Namibia Namibia**

**Minister attending the Conference**

YA TOIVO, Andimba Toivo, Mr., Minister of Labour.

**Government Delegates**

SCHLETTWEIN, C.H.G., Mr., Permanent Secretary, Ministry of Labour.
SHINGUADJA, B.M., Mr., Labour Commissioner.

**Advisers and substitute delegates**

HIKUAMA-MUPAINE, K.J., Mr., Director, Employment Planning.
NGHIYOONANYE, G. Tuli-Mevava, Ms., Deputy Director, International Relations.

**Advisers**

USIKU, V.T., Mr., Employment Equity Commissioner.
KEENDJELE, D., Mr., Manager, Operations, Social Security Commission.
SHILONGO, P., Mr., Acting Deputy Director, Occupational Health and Safety.
HAUFIKU, Ernest, Mr., Personal Assistant to the Minister of Labour.

**Employers' Delegate**

SHIKANGALAH, S., Mr., Executive Board Member, Namibian Employers' Federation (NEF).

**Advisers**

TRUEBODY, C., Mr., Secretary General, NEF.
VAN ROOYEN, J., Mr., Chairperson, Executive Committee, NEF.

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**Workers' Delegate**

MUHEUA, A.V., Mr., Acting President, National Union of Namibian Workers.

**Adviser**

PANDENI, C.U., Ms., Treasurer, National Union of Namibian Workers.

**Nepal**

**Minister attending the Conference**

HAMAL, Surendra, Mr., Minister of State for Labour and Transports Management.

**Government Delegates**

BHATTARAI, Damaru Ballav, Mr., Secretary, Ministry of Labour and Transports Management.
SIMKHADA, Shambhu Ram, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

**Adviser**

CHETTRI, Bir Bahadur, Mr., Chief, Organisational Safety and Health Project, Ministry of Labour and Transports Management.

**Other persons attending the Conference**

SHRESTHA, Suresh Man, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
SHRESTHA, NABIN Bahadur, Mr., Minister Counsellor, Permanent Mission, Geneva.
BHATTARAI, Pushpa Raj, Mr., Attaché, Permanent Mission, Geneva.

**Employers' Delegate**

KHETAN, Rajendra Kumar, Mr., Vice President, Federation of Nepalese Chamber of Commerce and Industries; Chairperson, Employers' Council.

**Workers' Delegate**

BASNET, Laxman Bahadur, Mr., President, Nepal Trade Union Congress.

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**Nicaragua**

**Ministro asistente a la Conferencia**

MONTENEGRO CASTILLO, Mario José, Sr.
Delegados gubernamentales
MORENO, Roberto Antonio, Sr.
DIAZ, Mário, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejero técnico y delegado suplente
PERALTA PAGUAGA, Blanca Leonor, Sra.

Consejero técnico
SANCHEZ, Cecilia, Sra.

Delegado de los empleadores
MAYORGA LACAYO, Marco, Sr.

Consejeros técnicos y delegados suplentes
AMADOR ARRIETA, Cairo, Sr.
ROMERO, Carlos Bayardo, Sr.

Delegado de los trabajadores
SALAZAR AGUILAR, Nilo, Sr.

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Conseillers techniques et délégués suppléants
SEYDOU, Saley, M., USTN.
MALAM SOFO, Salifou, M., Secrétaire général adjoint; Chargé des Relations extérieures, Confédération nigérienne du Travail (CNT).
KADI, Moustapha, M.

Conseillers techniques
SALAMATOU, Abdourhamane, Mme, Secrétaire chargée des Femmes travailleuses, BEN/USTN.
KEITA, Adamou Téné, Mme, Secrétaire adjointe chargée des Femmes travailleuses, BEN/USTN.

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Nigeria

Minister attending the Conference
GRAHAM-DOUGLAS, Alabo Tonye, Mr., Minister, Federal Ministry of Employment, Labour and Productivity.

Person accompanying the Minister
OKOLI, Handel I., Mr., Special Adviser to the President.

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Government Delegates
ASUGHA, Lois N., Mrs., Permanent Secretary, Federal Ministry of Employment, Labour and Productivity.
GEORGE, A.A., Mr., Deputy Director (INSP).

Advisers and substitute delegates
AYEWOH, E. Pius, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
ATILOLA, M.A.B., Mr., Deputy Director (TUSIR).

Advisers
AHMAD, Abdullah S., Mr., Deputy Director (Labour).
HENRY, P.E., Mr., Personal Assistant to the Minister.
BRAIMA, T.O., Ms., Chief Labour Officer.
AJI, M. Abba, Mr., Managing Director, CEO (NSITF).
ZANA, Baba Gana, Mr., Director-General, NDE.
AJAYI, Safiya T., Mr., Director-General, NPC.
JEMINIWA, J.O., Mr., Director, MILS.
UFO, V., Mrs., Assistant Director.
OSAH, C.A., Mr., Minister, Permanent Mission, Geneva.
BASSI, Pati, Ms., Legal Adviser, Nigerian Social Insurance Trust Fund.

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Employers' Delegate
OSHINOWO, O.A., Mr., Director-General, NECA.

Advisers
EBURAJOLO, V.O., Mr.
MUSA, Abdulkadir, Mr.
OSUNKAYE, D.R., Mr.
AKINBANI, Adefemi, Mr.
ADEGBOYEGA, Aderemi, Mr.
LASISI, B.A., Mr.
IRQ, Clement C., Mr.
KILA, Femi, Mr.
YAKASAI, Alhaj G.A., Mr.
LOHOR, L.M., Mr.

Workers' Delegate

OSHIOMHOLE, Adams A., Mr., President, Nigeria Labour Congress (NLC).

Advisers

ONYENEMERE, John, Mr.
MUHAMMAD, Erena, Mr.
KIRI-KALIO, Precious, Mr.
ADEKWE, Henry, Mr.

Norvège Norway Noruega

Minister attending the Conference

BUGGE, Sverre, Mr., Deputy Minister of Local Government and Regional Development.

Persons accompanying the Minister

AGDESTEIN, Marianne Aasen, Ms., Political Adviser, Ministry of Local Government and Regional Development.
SAND, Ulf, Mr., Secretary General, Ministry of Local Government and Regional Development.
NORDAAS, Ragnhild, Ms., Deputy Director-General, Ministry of Local Government and Regional Development.
HANSEN, Erling, Mr., Chief of Information, Ministry of Local Government and Regional Development.

Government Delegates

VIDNES, Oyvind, Mr., Deputy Director-General, Ministry of Local Government and Regional Development.
BRUAAS, Odd, Mr., Adviser, Ministry of Local Government and Regional Development.

Adviser and substitute delegate

SKOGMO, Bjorn, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

STUEFLATEN, Bodil, Ms., Adviser, Ministry of Local Government and Regional Development.
CHRISTIANSEN, Ottar T., Mr., Counsellor of Embassy, Permanent Mission, Geneva.

ELKJAER, Knut, Mr., Senior Engineer, Directorate of Labour Inspection.
VIGGEN, Marit, Ms., Adviser, Ministry of Education, Research and Church Affairs.
YTTERDAL, Grete, Ms., Adviser, Ministry of Local Government and Regional Development.

Employers' Delegate

HOFF, Erik, Mr., Director, Confederation of Norwegian Business and Industry (NHO).

Adviser and substitute delegate

KAADA, Tor, Mr., Director, Elf Petroleum, Norge AS.

Advisers

OYDEGARD, Johan Kr., Mr., Attorney-at-law, NHO.
VAGENG, Sigrun, Ms., Director, Federation of Norwegian Process Industries (PIL).
NILSEN, Petter, Mr., Adviser, Agriculture Employers' Association (LA).
RIDDERVOLD, Toril, Ms., Coordinator, NHO.

Other person attending the Conference

RIDERBO, Randulf A., Mr., Director, Federation of Norwegian Commercial and Service Enterprises.

Workers' Delegate

BUVERUD PEDERSEN, Evy, Ms., Elected National First Secretary, Norwegian Confederation of Trade Unions (LO-Norway).

Adviser and substitute delegate

OLSEN, Per Gunnar, Mr., Elected Official, LO.

Advisers

THEODORSEN, Karin Beate, Ms., Deputy International Secretary, LO.
ENOODD, Karin, Ms., Head, Equal Rights Department, LO.
PEDERSEN, Trine, Ms., International Secretary, Confederation of Academic and Professional Unions.
EIKELAND, Arvid, Mr., Adviser, Norwegian United Trade Union Federation.

Other persons attending the Conference

MARSTRANDER, Toril, Ms., Confederation of Vocational Unions (YS).
ANDERSEN, Torbjorn, Mr., Member of Parliament.
GAUNDAL, Aud, Ms., Member of Parliament.
MONSEN, Tor, Mr., United Nations Association.
ABYHOLM, Reidun, Ms., Chief of Section, Norwegian Association of Local and Regional Authorities (KS).
PARKER, Christine, Ms., Programme Officer, LO-Norway.
MJÖBERG, Nina, Ms., Programme Officer, LO-Norway.
Nouvelle-Zélande    New Zealand  
Nueva Zelandia

Minister attending the Conference
WILSON, Margaret, Ms., Minister of Labour.

Person accompanying the Minister
ROUTLEDGE, Siobhan, Ms., Private Secretary.

Government Delegates
CHETWIN, John, Mr., Secretary of Labour, Department of Labour.
KINLEY, Shane, Mr., Policy Advisor (Industrial Relations), Department of Labour.

Advisers and substitute delegates
FARRELL, Roger, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
GEELS, Deborah, Ms., First Secretary, Permanent Mission, Geneva.
CHADWICK, Rose, Ms., Adviser (International), Department of Labour.

Employers’ Delegate
KNOWLES, Anne, Ms., Chief Executive, New Zealand Employers' Federation.

Adviser and substitute delegate
LEEMING, Robyn, Ms., President, New Zealand Employers’ Federation.

Workers’ Delegate
BERESFORD, Joanna, Ms., National Secretary, New Zealand Educational Institute.

Adviser and substitute delegate
MIDDLETON, Lynn, Ms., National Secretary, New Zealand Public Service Association.

Oman

Minister attending the Conference
AL-HOSNI, Amer Shuwan, Mr., Minister of Social Affairs, Labour and Vocational Training.

Government Delegates
AIDED, Mohammed Omar Ahmed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates
AL-RIYAMI, Said Juma, Mr., Chief, Minister’s Office, Ministry of Social Affairs, Labour and Vocational Training.
AL-YAHYAI, Hamood Ahmed, Mr., Director-General, Social Affairs, Labour and Vocational Training Department of Dhaibha Region, Ministry of Social Affairs, Labour and Vocational Training.
AL-AMRY, Saleh Ayel, Mr., Director General, Directorate General of Work Permits and Inspection, Ministry of Social Affairs, Labour and Vocational Training.

Advisers
AL-BALOUSHI, Abdulghaffar, Mr., First Secretary, Permanent Mission, Geneva.
AL-KHANJARY, Idris, Mr., First Secretary, Permanent Mission, Geneva.

Employers’ Delegate
AL-RABEEY, Hamdan Saif, Mr.

Workers’ Delegate
AL-SHABIBI, Abdullah Saleh, Mr.

Uganda

Minister attending the Conference
MUKWAYA, Hajat Janat, Ms., Minister of Gender, Labour and Social Development.

Government Delegates
IRUMBA, Nathan, Mr., Ambassador, Chargé d’Affaires, Permanent Mission, Geneva.
OLWENY, Claudius Mary, Mr., Director for Labour.

Advisers and substitute delegates
BARONGO, Yolam, Mr., Managing Director, National Social Security Fund (NSSF).
BANYA, Joyce C., Ms., First Secretary, Permanent Mission, Geneva.
Adviser
ADONGAKULU, Jacqueline, Mrs., Labour Officer, International Labour Affairs.

Employers' Delegate
BYOGA RUTEGA, Sam, Mr., Chairman, Federation of Uganda Employers.

Adviser
NAMATOVU SSENABULYA, Rosemary, Mrs., Executive Director, Federation of Uganda Employers.

Workers' Delegate
OTONG ONGABA, Lyelmoi, Mr., Secretary-General, National Organisation of Trade Unions (NOTU).

Adviser
PAJOBO, Joram Bruno, Mr., Treasurer General, NOTU.

Pakistan

Minister attending the Conference
KHAN, Omar Asghar, Mr., Federal Minister for Labour, Manpower and Overseas Pakistanis.

Government Delegates
AKRAM, Munir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
KAMAL, Yousaf, Mr., Secretary, Ministry of Labour, Manpower and Overseas Pakistanis.

Advisers and substitute delegates
JANJUA, Tehmina, Ms., Counsellor, Permanent Mission, Geneva.
KHAN, Farrukh Iqbal, Mr., Third Secretary, Permanent Mission, Geneva.

Adviser
BALOCH, Mumtaz Zahra, Ms., Third Secretary, Permanent Mission, Geneva.

Workers' Delegate
AHMAD, Kurshid, Mr., Secretary General, All Pakistan Federations of Trade Unions; Member, Governing Body of the ILO.

Panama

Ministro asistente a la Conferencia
VALLARINO II, Joaquín José, Sr., Ministro de Trabajo y Desarrollo Laboral.

Delegados gubernamentales
BELIZ, Anel E., Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.
LEDEZMA VERGARA, Juan Antonio, Sr., Secretario General, Ministerio de Trabajo y Desarrollo Laboral; Representante Gubernamental, Consejo de Administración de la OIT.

Consejero técnico y delegado suplente
DUCREUX SANCHEZ, A. Antonio, Sr., Asesor del Despacho Superior, Ministerio de Trabajo y Desarrollo Laboral; Representante Gubernamental, Consejo de Administración de la OIT.

Consejeros técnicos
MANZUR BARREDA, Beatriz, Sra., Jefa, Departamento de Colaboración con la OIT, Asesoría de Asuntos Internacionales, Ministerio de Trabajo y Desarrollo Laboral.
GUARDIA, Tomás, Sr., Misión Permanente en Ginebra.

Delegado de los empleadores
DURLING, Walter, Sr., Asesor, Consejo Nacional de la Empresa Privada (CONEP); Miembro adjunto, Consejo de Administración de la OIT.

Consejero técnico y delegado suplente
AIZPURUA, Manuel V., Sr., Vicepresidente de Asuntos_legales y Gubernamentales, Chiriquí Land Company; Miembro, Sindicato de Industriales de Panamá (SIP); CONEP.

Consejero técnico
CASTRELLON, Nivia R., Sra., Asesora, CONEP.

Delegado de los trabajadores
MENDEZ, Saul, Sr., Secretario de Defensa, Sindicato Único de Trabajadores de la Construcción y Similares (SUNTRACS); Miembro, Consejo Nacional de Trabajadores Organizados (CONATO).

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Minister attending the Conference

BENJAMIN, Charlie, Mr., Minister for Labour and Employment.

Persons accompanying the Minister

YUMBUI, Gallus Kipandu, Mr., Vice-Minister, Ministry of Labour and Employment.
PALASO, Lamech, Mr., Executive Officer (Minister).
HOSEA, Mark, Mr., First Secretary (Minister).

Government Delegates

ELIAS, Margaret L., Ms., Secretary, Department of Labour and Employment.
BALOIOI, Helen, Ms., Director, International Labour Affairs, Department of Labour and Employment.

Advisers and substitute delegates

AVOSA, Pex, Mr., First Assistant Secretary (Labour Standards), Department of Labour and Employment.
KUHENA, Jerry, Mr., First Assistant Secretary, Policy Planning, Research and Communication, Department of Education.

Employers’ Delegate

MARO, Raga, Mr., Director, Industrial Relations, Employers’ Federation.

Workers’ Delegate

HAROE, Susan, Ms., President, Papua New Guinea Nurses’ Association.
Consejeros técnicos
PARRA GAONA, Pedro, Sr., Representante, Central Nacional de Trabajadores (CNT).
LEGUIZAMÓN, Sonia, Sra., Representante, Central General de Trabajadores (CGT).
LÓPEZ, Gerónimo, Sr., Representante, Confederación Paraguaya de Trabajadores (CPT).
MEDINA, Reinaldo Barreto, Sr., Representante, Central Sindical de Trabajadores del Estado Paraguayo (CESITEP).

Pays-Bas Netherlands Países Bajos

Ministers attending the Conference
VERMEEND, Willem A.F.G., Mr., Minister for Social Affairs and Employment.
VERSTAND-BOGAERT, Annelies, Ms., Deputy Minister for Social Affairs and Employment (care, labour and equal opportunities).

Persons accompanying the ministers
BEETS, Lauris C., Mr., Director, Public Relations, Ministry for Social Affairs and Employment.
BORSTLAP, Hans, Mr., Director General, Ministry for Social Affairs and Employment.
VAN DE GRIENDT, Wilbert, Mr., Head of Section, Ministry for Social Affairs and Employment.

Government Delegates
VAN DER HEIJDEN, Paul, Mr., Professor of Labour Law, University of Amsterdam.
SCHRAMA, Henk, Mr., Director, International Affairs, Ministry for Social Affairs and Employment.

Advisers and substitute delegates
HEINEMANN, Hans J., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
VAN LEUR, Alette, Ms., Coordinating Policy Adviser, Ministry for Social Affairs and Employment.

Advisers
VAN DER LAAN, Wiecher, Mr., Senior Policy Adviser, Ministry for Social Affairs and Employment.
LOUSBERG, Lydia, Ms., Policy Adviser, Ministry for Social Affairs and Employment.
NOTEBOOM, Mariana, Ms., First Secretary, Permanent Mission, Geneva.
VAN DE REE, Willeem, Mr., Coordinating Policy Adviser, Ministry for Social Affairs and Employment.

VAN DER HEIJDEN, Barend C.A.F., Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
VAN DER KWAST, Henkcor, Mr., Adviser, Permanent Mission, Geneva.

Other persons attending the Conference
BLOM, Anita, Ms., Policy Adviser, Ministry for Social Affairs and Employment.
BLOK, S.A, Mr., Member of Parliament.
DE KAM, Jessica, Ms., Policy Adviser, Ministry for Social Affairs and Employment.
GRILK, Marianne, Ms., Assistant Policy Adviser, Ministry for Social Affairs and Employment.
VAN DER MEIJ-NETEL, Hetty, Ms., University of Amsterdam.
SANTI, U., Mr., Member of Parliament.
STAAI, Claudia, Ms., Senior Policy Adviser, Ministry for Social Affairs and Employment.
VERBURG, Gerda, Ms., Member of Parliament.
VERHULP, Evert, Mr., University of Amsterdam.

Employers' Delegate
HUNTJENS, Ton M., Mr., Director, International Social Affairs, Confederation of Netherlands Industry and Employers (VNO-NCW); Deputy Member, Governing Body of the ILO..

Advisers
VAN HOOGSTRATEN, Loes M., Ms., Adviser, Social Affairs, VNO-NCW.
RENIQUE, Chiel J.E.G., Mr., Head, Education and Training, VNO-NCW.

Workers' Delegate
ETTY, Tom, Mr., Adviser, International Affairs, Netherlands' Trade Union Confederation (FNV).

Adviser
BIJLEVELD, Leontine, Ms., Policy Adviser, Women's Department, FNV.

Other persons attending the Conference
BRÜNING, Hans, Mr., Vice-President, National Federation of Christian Trade Unions (CNV).
MULLER, Henk, Mr., Treasurer, FNV.

Pérou Peru Perú

Ministro asistente a la Conferencia
FLORES POLO, Pedro, Sr., Ministro de Trabajo y Promoción Social.
Delegados gubernamentales

GARCIA GRANARA, Fernando, Sr., Vice Ministro de Trabajo.
VOTO BERNALES, Jorge, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

DELGADO APARICIO, Luis, Sr., Segundo Vice Presidente, Congreso de la República.
CHAVEZ COSSIO DE OCAMPO, Martha, Sra., Miembro, Congreso de la República.
SAMALVIDES DONGO, Helbert, Sr., Miembro, Congreso de la República.
ESTRADA PEREZ, Daniel, Sr., Miembro, Congreso de la República.
VELASQUEZ QUESQUEN, Javier, Sr., Miembro, Congreso de la República.

Consejeros técnicos y delegados suplentes

CHAVEZ BASAGUITA, Luis Enrique, Sr., Consejero, Misión Permanente en Ginebra.
GUILLEN BEKER, Gonzalo, Sr., Primer Secretario, Misión Permanente en Ginebra.

Delegado de los empleadores

ZAVA ALA COSTA, Jaime, Sr.

Consejero técnico y delegado suplente

BARRENCEHA CALDERON, Julio César, Sr.

Delegado de los trabajadores

LAZO PERALTA, Víctor Alfredo, Sr., Central Autónoma de Trabajadores.

Consejeros técnicos y delegados suplentes

RISCO MONTALVAN, José Luis, Sr., Central General de Trabajadores (CGT).
PORTOCARRERO GONZALES, Susan, Sra., CGTP.
CUADROS MANRIQUE, Julio, Sr., Central Unitaria de Trabajadores (CUT).
GRANADINO FARIAS, Adolfo, Sr., CUT.

Philippines Filipinas

Minister attending the Conference

LAGUESMA, Bienvenido E., Mr., Secretary, Department of Labor and Employment.

Government Delegates

BALDOZ, Rosalinda D., Ms.
LEPATAN, Dennis Y., Mr.

Advisers and substitute delegates

MAGSALIN, Buenaventura C., Mr.
MANZALA, Teresita R., Ms.
SARMIENTO, Regina Irene P., Ms.
IMSON, Manuel G., Mr.

Other persons attending the Conference

OPLE, Blas F., Mr., Senator.
COSETENG, Anna Dominique M. L., Ms., Senator.
CAYETANO, Renato L., Mr., Senator.
LEDESMA IV, Julio A., Mr., M.P.
GONZALEZ, Raul M., Mr., M.P.
COSALAN, Ronald M., Mr., M.P.
SARMIENTO, Rogelio M., Mr., M.P.
HERRERA, Ernesto F., Mr., M.P.
LAGMAN-LUISTRO, Krisel, Ms., M.P.
VERGARA, Bernardo M., Mr., M.P.
BELMONTE, Feliciano, Mr., M.P.
BERMIDA, Eduardo R., Mr., Representative.
CRUZ, Mila, Ms., Office of Senator B.F. Ople.
VELOSO, Violeta, Ms., M.P.

Employers’ Delegate

VARELA, Miguel B., Mr., Chairman, ECOP.

Advisers and substitute delegates

TAN, Ancheta K., Mr., President Emeritus, ECOP.
DEE, Donald G., Mr., President, ECOP.
ORTIZ-LUIS, JR., Sergio, Mr., Vice President, ECOP.
INOCENTES, Raoul, Mr., Governor and Past President, ECOP.
CHING HO PO, Jimmy, Mr., Governor, Employers’ Confederation of Philippines.

Workers’ Delegate

TAN, Juan C., Mr.

Advisers and substitute delegates

MENDOZA, Democrito T., Mr.
ALAR, Benjamín, Mr.
DE QUIROZ, Pedro T., Mr.
PEREZ, Bienvenido, Mr.
DE LA CRUZ, Zoilo, Mr., President, National Congress of Unions in the Sugar Industry of the Philippines.

Pologne  Poland  Polonia

Minister attending the Conference
KOMOLOWSKI, Longin, Mr., Deputy Prime Minister, Minister of Labour and Social Policy.

Person accompanying the Minister
BONI, Michal, Mr., Chief, Political Cabinet, Minister of Social Labour and Social Policy.

Government Delegates
BORUTA, Irena, Ms., Under-Secretary of State, Ministry of Labour and Social Policy.
JAKUBOWSKI, Krzysztof, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates
CIECHANSKI, Jerzy, Mr., Director, European Integration and International Cooperation Department, Ministry of Labour and Social Policy.
CIENIUCH, Stanislaw, Mr., Director, Non European Countries and United Nations System Department, Ministry of Foreign Affairs.

Advisers
AMROZY, Jozef, Mr., Chief Expert, Department of Agriculture Production, Ministry of Agriculture and Rural Development.
KASSANGANA, Margareta, Ms., Expert, European Integration and International Cooperation Department, Ministry of Labour and Social Policy.
LEMIESZEWSKA, Renata, Ms., Chief Expert, European Integration and International Cooperation Department, Ministry of Labour and Social Policy.
PLISZKIEWICZ, Marek, Mr., Adviser to the Minister of Labour and Social Policy.
SOBOTKA, Elzbieta, Ms., Under-Secretary of State, Ministry of Labour and Social Policy.
SZEMPLINSKA, Elzbieta, Ms., Chief Expert, Labour Law Department, Ministry of Labour and Social Policy.
WYZNIKIEWICZ, Agnieszka, Ms., Expert, Ministry of Foreign Affairs.

Employers' Delegate
MUSIOL, Pawel, Mr., Member of the Presidium, Confederation of Polish Employers.

Adviser and substitute delegate
ZAJKO, Krzysztof, Mr., Expert, Confederation of Polish Employers.

Advisers
JANKOWSKI, Waldemar, Mr., Expert, Confederation of Polish Employers.
OSKWAREK, Rafal, Mr., Expert, Confederation of Polish Employers.
RYBCZYNSKI, Andrzej, Mr., Expert, Confederation of Polish Employers.
SULKOWSKI, Tadeusz, Mr., Expert, Polish Confederation of Private Employers.

Other persons attending the Conference
KORNOWSKI, Wojciech, Mr., President, Confederation of Polish Employers.
ZAJAC, Krystian, Mr., Deputy President, Confederation of Polish Employers.
NAWRAT, Stanislaw, Mr., Expert, Confederation of Polish Employers.
BOCHNIARZ, Henryka, Ms., President, Polish Confederation of Private Employers.
RUDKA, Andrzej, Mr., Expert, Polish Confederation of Private Employers.
SZLEFARSKA, Barbara, Ms., Expert, Polish Confederation of Private Employers.

Workers' Delegate
WOJCIK, Tomasz, Mr., Member of the Presidium, National Commission; Independent Self-Governing Trade Union "Solidarnosc"; Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate
WIADERNY, Jozef, Mr., President, All-Poland Trade Union Alliance.

Advisers
KOTOWSKI, Zbigniew, Mr., Expert, Independent Self-Governing Trade Union of Individual Farmers "Solidarnosc".
LEPIK, Ryszard, Mr., Deputy President, All-Poland Trade Union Alliance.
OLSZEWSKI, Bogdan, Mr., Expert, Independent Self-Governing Trade Union "Solidarnosc".
SUDOL, Andrzej, Mr., Head, International Unit, All-Poland Trade Union Alliance.
WIERZBICKI, Roman, Mr., President, Independent Self-Governing Trade Union of Individual Farmers "Solidarnosc".
WOZNIEWSKI, Krzysztof, Mr., Expert, Independent Self-Governing Trade Union "Solidarnosc".
Portugal

Ministres assistant à la Conférence
FERRO RODRIGUES, Eduardo, M., Ministre du Travail et de la Solidarité.
FERNANDES PEDROSO, Paulo José, M., Secrétaire d'État du Travail et de la Formation.
BRAZÃO DE CASTRO, Eduardo, M., Secrétaire régional, Ressources humaines, Région autonome de Madère.

Personnes accompagnant les ministres
RAMOS ANDRE, António, M., Adjoint du Ministre du Travail et de la Solidarité.
ABRANTES, José Joào, M., Adjoint du Secrétaire d'État du Travail et de la Formation.
CASIMIRO FERREIRA, António Manuel, M., Assesseur du Secrétaire d'État du Travail et de la Formation.
MATIAS, Nelson, M., Assesseur du Secrétaire d'État du Travail et de la Formation.

Délégués gouvernementaux
RIBEIRO LOPES, Fernando, M., Directeur général des Conditions du Travail, Ministère du Travail et de la Solidarité (MTS).
BARGIA, Paulo, M., Conseiller, Affaires du Travail et de l'Emploi, Mission permanente à Genève.

Conseillers techniques
MAIA MACHADO, Carlos, M., Directeur des Services du Travail, Région autonome des Azores.
MONTEIRO, Daniela, M., Expert, Commission pour l'Egalité dans le Travail et l'Emploi.
SОBRAL GOMEZ, Joana Margarida C., Mme, Expert, Département des Affaires européennes et des Relations internationales.
DUARTE SILVA, Luis Nuno B., M., Expert, Direction générale des Conditions du Travail, MTS.
MEDeiROS SOARES, Maria Cândida, Mme, Directeur général de l'Emploi et de la Formation professionnelle.
AFONSO, Maria da Conceição, M., Sous-directeur général de l'Emploi et de la Formation professionnelle.
ROBERT LOPES, Maria Helena, Mme, Assesseur principal, Direction générale des Conditions du Travail.
CORREIA LEITAO, Josefinha Seabra T.M., Mme, Sous-directeur général des Conditions du Travail.
PEREIRA SERRA, Maria Manuela F.C., Mme, Directeur de services, Direction générale des Conditions du Travail.
LOBO CORREIA, Maria Teresa Paccetti S., Mme, Assesseur principal, Direction générale des Conditions du Travail.

MENDONÇA AZEVEDO, José Manuel, M., Expert, Institut pour le Développement et l'Inspection des Conditions du Travail.
GONÇALVES DA SILVA, Rui, M., Directeur régional du Travail, Région autonome de Madère.
LEITE BETTENCOURT, Rui, M., Directeur régional de l'Emploi, Région autonome des Azores.

Autres personnes assistant à la Conférence
PENEDOS, Artur, M., Député.
BARBOSA DE OLIVEIRA, M., Député.
DA VINHA COSTA, Pedro José, M., Député.
ROSADO MERENDAS, Vicente José, M., Député.
CORREIA, Telmo, M., Député.

Délégué des employeurs
BELLO VAN ZELLER, Francisco L., M., Membre de la Direction, Confédération de l'Industrie portugaise (CIP).

Conseiller technique et délégué suppléant
PENA E COSTA, Marcelino, M., Membre de la Direction, Confédération du Commerce et des Services du Portugal (CCP).

Conseillers techniques
NAGY MORAIS, Cristina, Mme, Expert, Confédération des Agriculteurs.
GUERREIRO, Clara, Mme, Expert, Confédération des Agriculteurs.
VIEIRA, Ana, Mme, Expert, Confédération du Commerce et Services.
DE CARVALHO, Luzia, Mme, Expert, Confédération du Commerce et Services.
DA ROCHA NOVO, Gregório, M., Directeur général adjoint, Confédération de l'Industrie portugaise.
FERNANDES SALGUEIRO, Heitor, M., Directeur général adjoint, Confédération de l'Industrie portugaise.
CORREIA CUSTÓDIO, Mário, M., Secrétaire général, Chambre du Commerce et de l'Industrie de la Région autonome des Azores.

Délégué des travailleurs
GOMEZ PROENÇA, João António, M., Secrétaire général, Union générale des Travailleurs (UGT).

Conseiller technique et délégué suppléant
HUGO SEQUEIRA, Vítor, M., Vice Secrétaire général, UGT.

Conseillers techniques
CARMO CISA, Ana Carmen, Mme, Expert, Cabinet technique, UGT.
VITORINO SANTOS, Jorge Manuel, M., Secrétaire général, Syndicat des Cadres et Employés agricoles. FERREIRA MARTINS, Manuel, M., Vice Secrétaire général, UGT. DE CARVALHO, Carlos António, M., Membre, Conseil national de la Confédération générale des Travailleurs portugais (CGTP-IN). PORTELA DA SILVA, Célia Maria, Mme, Confédération Geral dos Trabalhadores Portugueses- Intersindical Nacional. ALVES TRINDADE, Carlos Manuel, M., Membre, CGTP-IN.

Qatar

Minister attending the Conference

AL-THANI, Falah Bin Jassim Bin Jabr, Mr., Minister of Civil Service Affairs and Housing.

Government Delegates

AL-THANI, Fahad Awaida, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva. AL-KHALIFA, Abdullah Nasser, Mr., Assistant Director, Labour Department.

Advisers and substitute delegates

HAYDER, Khalid Suliman, Mr., Head, Employment Section. AL-KHOURY, Hassan Abdullah, Mr., Director, Legal Department Affairs. AL-SHAWI, Saleh Saeed, Mr., Legal Researcher. AL-KHULAIFI, Ali Ahmed Saleh, Mr., Public Relations. AL-KHAYAREEN, Zayed Saeed, Mr., Assistant Director of Public Relations and Information, Minister's Office. AL DOSARI, Atig H., Mr., Minister's Office.

Employers' Delegate

AL-FIHANI, Nasser Jassim, Mr.

Workers' Delegate

AL-KHAL FAKROU, Khalid Ali Mohamed, Mr.

République démocratique du Congo
Democratic Republic of the Congo
República Democrática del Congo

Ministre assistant à la Conférence

KAPITA SHABANGI, Paul Gabriel, M.
Personnes accompagnant le Ministre

MAXIM, Ioan, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
STREIBER, Mircea, M., Secrétaire d'État, Département pour le Dialogue social.
BASUC, Mariana, Mme, Inspecteur général d'État en Chef, Inspection du Travail.
PARVU, Dorin Nicolae, M., Président, Agence nationale pour l'Emploi et la Formation professionnelle.
CIULCOV, Mihail, M., Secrétaire général, Ministère du Travail et de la Protection sociale.

Délégués gouvernementaux

LIMBIDIS, Silvia, Mme, Directeur, Ministère du Travail et de la Protection sociale.
FARCAS, Alexandru, M., Conseiller, Mission permanente à Genève.

Conseiller technique et délégué suppléant

MAGHERUSAN, Camelia, Mme, Chef de Service, Responsable pour la Relation avec l'Organisation internationale du Travail, Ministère du Travail et de la Protection sociale.

Conseillers techniques

SEMENESCU, Daniela, Mme, Directeur, Ministère du Travail et de la Protection sociale.
TRUFASILA, Silvia, Mme, Conseiller, Ministère du Travail et de la Protection sociale.
MIHAI, Ioan, M., Secrétaire, Commission pour le Dialogue social, Ministère du Travail et de la Protection sociale.
RADU, Danut Gheorghe, M., Directeur général, Ministère du Travail et de la Protection sociale.
NAPAR, Grigorita, Mme, Directeur, Inspection du Travail.
BLANARIU, Petru, M., Directeur, Agence nationale pour l'Emploi et la Formation professionnelle.
SIRBU, Elena Nicoleta, M., Attachée, Ministère des Affaires Étrangères.

Délégué des employeurs

MUNTEANU, Marian, M., Vice-Président, CNPR.

Conseiller technique et délégué suppléant

FRUNZULICA, Doru, M., Président, UGIR.

Conseillers techniques

VARFALVI, Stefan, M., Vice-Président, UGIR.
NICOLESCU, Ovidiu, M., Président, CNIPMMR.
VLADUCA, Nicolae, M., Membre, Comité directeur, CNIPMMR.
PETROVICI, Alexandru, M., Vice-Président, PNR.
VOINESCU, Lucretia, Mme, Vice-Président, UGIR-1903.
DOROBANTU, Stelian, M., Directeur général, UGIR-1903.
CHELARIU, Stefan, M., UNPR.

Délégue des travailleurs

MARIN, Adrian, M., Vice-Président, CNSLR-Fratia.

Conseiller technique et délégué suppléant

BACIU, Jacob, M., Président, CSDR.

Conseillers techniques

LUCA, Liviu, M., Conseiller, CNSLR-Fratia.
LUCA, Lidia, Mme, Conseiller, CNSLR-Fratia.
POPEȘCU, Corneliu, M., Secrétaire général, BNS.
RADOI, Ion Cornel, M., Vice-Président, BNS.
HOSSU, Bogdan Iuliu, M., Président, CNS "Cartel ALFA".
POPEȘCU, Ovidiu, M., Vice-Président, FSLCP "Cartel ALFA".
MIVU, Constantin, M., Vice-Président, FSLCP "Cartel ALFA".
ALBU, Ion, M., Secrétaire général, CS Meridian.
SAVU, Vasile, M., Vice-Président, CS Meridian.
NANIA-BUJORICA, Adrian Alexandru, M., Vice-Président, Confédération syndicale "Meridian".
HUTULEAC, Viorel, M., Vice-Président, Confédération syndicale "Meridian".

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

BOAJE, Minica, M., Technical Counsellor, CNSLR-FRATIA.
STIRBU, Constantin, M., Technical Counsellor, CNSLR-FRATIA.
CHIRITA, Dumitră, M., Vice-Président, Confédération syndicale "Meridian".

Royaume-Uni United Kingdom Reino Unido

Minister attending the Conference

JOWELL, Tessa, Ms., Minister for Employment, Department for Education and Employment.

Persons accompanying the Minister

JONES, Simon, Mr., Private Secretary to Minister.
TUCKER, Clive, M., Director-General, Employment, Equality and International Relations Directorate (EEIRD), Department for Education and Employment.
Government Delegates

NIVEN, Marie, Ms., Head, International Relations Division, Department for Education and Employment.

WARRINGTON, Guy, Mr., First Secretary, Permanent Mission, Geneva.

Advisers and substitute delegates

FULLER, Simon, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

RICHARDS, Stephen, Mr., Policy Adviser, Department for Education and Employment.

Advisers

WALTON, Derek, Mr., First Secretary (Legal Adviser), Permanent Mission, Geneva.

WALKER, Graeme, Mr., Principal Inspector, Health and Safety Executive.

CHAMBERS, Terence, Mr., Principal Inspector, Health and Safety Executive, Northern Ireland.

MURRAY, Neil, Mr., Policy Adviser, Department for Education and Employment.

MCVIE, Gordon, Mr., Policy Adviser, Scottish Enterprise, National Economic Development Agency.

BRATTAN, Sara, Ms., Policy Adviser, Department for Education and Employment.

GILFELLON, Rita, Ms., Policy Adviser, Department of Education and Employment.

Other persons attending the Conference

ADAMS, Robert, Mr., Director, Small Business Services, Scottish Enterprise.

SMITH, Daniel, Mr., Policy Officer, Department for Education and Employment.

BRADLEY, Joe, Mr., Second Secretary, Permanent Mission, Geneva.

COTTON, Susan, Ms., Attaché, Permanent Mission, Geneva.

CAVEY, Melanie, Ms., Policy Officer, Department of Employment and Social Security, Jersey.

ADAMS, Nigel, Mr., Policy Officer, Department for International Development.

Workers' Delegate

BRETT, Bill, Mr., Member, General Council of the Trades Union Congress (TUC); Vice President, Governing Body of the ILO.

Adviser and substitute delegate

STEYNE, Simon, Mr., International Officer, TUC.

Advisers

HAWKES, Patricia, Ms., Member, TUC General Council; Examiner of Accounts, National Union of Teachers.

HOLLOWAY, Penny, Ms., Member, TUC General Council; Immediate Past President, Association of University Teachers.

LEATHWOOD, Barry, Mr., National Secretary for Food and Agriculture, Transport and General Workers' Union.

Other persons attending the Conference

MONKS, John, Mr., General Secretary, Trades Union Congress.

JENKINS, Tom, Mr., Head, European Union and International Relations, TUC.

KOTHALAWALA, Bandula, Mr., International Officer, TUC.

BYE, Andy, Ms., Vice President, Institution of Professionals, Managers and Specialists (IPMS).

ALLEN, Frank, Mr., National Officer, IPMS.

MOODY, Andy, Mr., National Executive Officer; Committee Member, IPMS.

Employers' Delegate

LAMBERT, Mel, Mr., Director, FIAT.

Adviser and substitute delegate

JOHNSON, Dominic, Mr., Head, Employee Relations, Confederation of British Industry.

Advisers

ALLEN, Leonard, Mr., Policy Adviser, Confederation of British Industry.

BRATT, Mark, Mr., Policy Adviser, National Farmers' Union.

HUMPHREY, Peter, Mr., Policy Adviser, Confederation of British Industry.

Fédération de Russie
Russian Federation
Federación de Rusia

Minister attending the Conference

ROGHKOV, V.P., Mr., First Deputy Minister of Labour and Social Development.

Person accompanying the Minister

KOLODKIN, R.A., Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
Government Delegates

PETROV, G.G., Mr., Director, Department of Economic Cooperation, Ministry of Foreign Affairs.
PIROGOV, A.V., Mr., Deputy Director, Department of Economic Cooperation, Ministry of Foreign Affairs.

Advisers and substitute delegates

SABLUKOV, V.A., Mr., Chief of Branch, Department of International Cooperation, Ministry of Labour and Social Development.
SHAKHMURADOV, K.F., Mr., Senior Counsellor, Permanent Mission, Geneva.
BUNDUKIN, G.P., Mr., Chief of Branch, Secretariat of the Deputy Minister of Foreign Affairs.
CHERNIKOV, P.G., Mr., Counsellor, Permanent Mission, Geneva.
KOVALENKO, A.V., Mr., First Secretary, Permanent Mission, Geneva.
SURVILLO, K.G., Ms., First Secretary, Department of Economic Cooperation, Ministry of Foreign Affairs.

Employers' Delegate

EREMEEV, O.V., Mr., Director General, Co-ordinating Council, Employers' Union of Russia (KSORR).

Advisers and substitute delegates

BIRYUKOV, Alexander A., Mr., Vice-President, Russian Union of Industrialists and Businessmen.
BEDNOV, S.S., Mr., Vice-President, Chamber of Commerce.
SISOEV, A.A., Mr., President, Association of Industrialists of the Mining and Steelmaking Industry.
TOMCHIN, G.A., Mr., President, All-Russia Association of Privatised and Private Enterprises.
KRUGLIK, A.A., Mr., First Vice-President, JSC "Roslegprom".
CHUPRIKOV, B.F., Mr., Chief, Expert Branch, KSORR.
BRESLAVSKY, A.V., Mr., Adviser of the President, Association of Industrialists of the Mining and Steelmaking Industry.
MANGUTOVA, I.V., Ms., Executive Director, All-Russia Association of Privatised and Private Enterprises.
VORONOV, O.K., Mr., Deputy Executive Director, All-Russia Association of Privatised and Private Enterprises.

Workers' Delegate

SHMAKOV, M.V., Mr., President, Federation of Independent Trade Unions of Russia (FNPR).

Advisers and substitute delegates

SIDOROV, E.A., Mr., Secretary, FNPR.
AGAPOVA, N.N., Ms., Vice-President, Agro-Industrial Complex Workers' Union.

VODOPYANOVA, T.P., Ms., President, Tatarstan Federation of Trade Unions.
GRINNIK, M.A., Mr., President, Murmansk Region Council of Trade Unions.
EFREMENKO, A.L., Mr., President, Council of the All-Russia Confederation of Labour (VKT).
GORKUN, A.I., Mr., Vice-President, Congress of Russian Trade Unions (KRP).
NAGAITSEV, M.D., Mr., President, Moscow Federation of Trade Unions.
TRUMMEL, V.V., Mr., Secretary, FNPR, Senior Technical Inspector.
SHEPEL, A.N., Mr., President, Confederation of Labour of Russia (KTR).

Rwanda

Délégués gouvernementaux

KAYITESI ZAÑABO, Sylvie, Mme, Ministre de la Fonction publique et du Travail.
RUKASI RWAKA, Thomas, M., Directeur du Travail, Ministère de la Fonction publique et du Travail.

Conseillers techniques

KANANURA, Canisius, M., Chargé d'Affaires a.i., Mission permanente à Genève.
RUSILIBYA, Jacqueline, Mme, Deuxième Conseillère, Mission permanente à Genève.

Délégué des travailleurs

MURANGIRA, François, M.

Saint-Marin   San Marino

Ministre assistant à la Conférence

MACINA, Stefano, M., Ministre du Travail et de la Prévoyance, de la Programmation économique, du Commerce extérieur et de la Coopération.

Personne accompagnant le Ministre

CHIARUZZI, Pio, M., Cabinet du Ministre.

Délégués gouvernementaux

FIORINI, Mauro, M., Coordinateur, Département du Travail et de la Prévoyance, de la Programmation économique, du Commerce extérieur et de la Coopération.
BIGI, Federica, Mme, Ministre, Représentant permanent adjoint, Mission permanente à Genève.
Conseillers techniques et délégués suppléants
ZEILER-WERBROUCK, Huguette, Mme, Conseiller, Mission permanente à Genève.
MANUZZI, Marino, M., Directeur, Bureau du Travail.
GASPERONI, Eros, M., Stagiaire, Mission permanente à Genève.
RONDELLI, Maria Luisa, Mme, Directeur du Centre de Formation professionnelle de la République de Saint-Marin.

Conseiller technique
VANDI, Massimiliano, M., Fonctionnaire, Département du Travail et de la Prévoyance, de la Programmation économique, du Commerce extérieur et de la Coopération.

Délégué des employeurs
MENICUCCI, Romina, Mme, Fonctionnaire, Association nationale de l'Industrie (ANIS).

Conseiller technique et délégué suppléant
VILLANI, Pier Paolo, M., Fonctionnaire, Association nationale de l'Industrie (ANIS).

Conseillers techniques
MINZONI, Gianni, M., Président général, Organisation des Travailleurs Autonomes (OSLA).
DELLA BALDA, Silvia, Mme, Fonctionnaire, Division Communication et Développement du Management, OSLA.
UGOLINI, Pio, M., Fonctionnaire, Union nationale des Artisans (UNAS).
TERENZI, Gian Franco, M., Président, UNAS.
VAGNINI, William, M., Fonctionnaire, ANIS.

Délégué des travailleurs
GHIOTTI, Giovanni, M., Secrétaire général, Confédération du Travail (CSDL).

Conseiller technique et délégué suppléant
MACINA, Gian Luigi, M., Secrétaire Confédéral, CSDL.

Conseillers techniques
BECCARI, Marco, M., Secrétaire général, Confédération démocratique des Travailleurs (CDLS).
FELICI, Giancarlo, M., Secrétaire général adjoint, CDLS.
PIERMATTEI, Gilberto, M., Secrétaire confédéral, CSDL.
PASQUINELLI, Maria Grazia, Mme, Membre, CSDL.

Senegal

Ministre assistant à la Conférence
DE, Yéro, M., Ministre de la Fonction publique, du Travail et de l'Emploi.

Personne accompagnant le Ministre
DIALLO, Absa Claude, Mme, Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux
WADE, Aboubacar, M., Chef, Bureau de la Sécurité sociale.
THIAM, Babacar, M., Chef, Bureau des Relations internationales.

Conseillers techniques et délégués suppléants
NDIAYE, Ibou, M., Mission permanente à Genève.
BASSE, André, M., Premier Secrétaire, Mission permanente à Genève.
FALL, Couty, Mme, Directeur général, Caisse de Sécurité sociale.

Délégué des employeurs
WADE, Youssouf, M., Président, Conseil national du Patronat (CNP).

Conseillers techniques et délégués suppléants
KANE, Mamadou Lamine, M., Secrétaire permanent, CNP.
DIOP, Youssoufou, M., Président, Commission sociale, CNP.
Délégué des travailleurs
DIOP, Madia, M., Secrétaire général, Confédération nationale des Travailleurs (CNTS).

Conseillers techniques et délégués suppléants
DIALLO, Mamadou, M., Secrétaire confédéral chargé de l'Education et de la Formation, CNTS. SOW, Bayla, M., Secrétaire, Relations Extérieures, CNTS. NDIONGUE, Bakhao, Mme, Secrétaire général adjoint, CNTS. SAMBA, Mame Coumba, Mme, Secrétaire confédéral chargé de l'Alphabétisation, CNTS. SOCK, Mademba, M., Secrétaire général, Union nationale des Syndicats autonomes (UNSAS). DIOUF, Amadou Lamine, M., Confédération nationale des Travailleurs (CNTS).

Conseillers techniques
GUEYE, Abdoulaye, M., Secrétaire, Relations extérieures, UNSAS. DJADJI, Iba Ndyaie, M., Secrétaire général, Confédération des Syndicats autonomes (CSA). DIOP, Marie Louise, Mme, CSA. MBAYE, Thiaba, Mme, CSA. DIOUF, Mady, M., CSA. NDIAYE, Nassirou, M., CSA.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

Autre personne assistant à la Conférence
SOW, Cheikh, M., Responsable des Projets, UDTS.

Sierra Leone

Minister attending the Conference
HERMINIE, William Edouard, Mr., Minister for Social Affairs and Manpower Development.
Singapour  Singapore  Singapur

Minister attending the Conference
LEE, Boon Yang, Mr., Minister for Manpower.

Government Delegates
TAN, Jing Koon, Mr., Deputy Director (Labour Relations Department), Ministry of Manpower.
LOW, Pei Ching, Ms., Senior Labour Desk Officer, Ministry of Manpower.

Adviser and substitute delegate
SEE, Chak Mun, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers
LIANG, Margaret, Ms., Minister Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva.
ANN, Hee Kyet, Mr., First Secretary, Permanent Mission, Geneva.
ONG, Yen Cheng, Ms., Second Secretary, Permanent Mission, Geneva.
VEERAPPAN, Ramakrishnan, Mr., Third Secretary, Permanent Mission, Geneva.

Employers’ Delegate
KOH, Juan Kiat, Mr., Executive Director, Singapore National Employers’ Federation.

Workers’ Delegate
YACOB, Halimah Binte, Ms., Assistant Secretary-General, National Trades Union Congress.

Adviser and substitute delegate
YAO, Mattias, Mr., Deputy Secretary-General, National Trades Union Congress.

Advisers
NANDAN, Nithiah, Mr., Vice-President, National Trades Union Congress.
PANG, Victor, Mr., Member, Central Committee, National Trades Union Congress.
CARROLL, Vernon, Mr., Vice-President, Singapore Shell Employers’ Union.
WEE, Jimmy Gim Weng, Mr., Assistant Director (Industrial Relations Department), National Trades Union Congress.
CHUA, Kee Hock, Mr., First Assistant Secretary-General, United Workers of Electronic and Electrical Industries.

Slovaquie  Slovakia  Eslovaquia

Government Delegates
BAUER, Edit, Ms., State Secretary, Ministry of Labour, Social Affairs and Family.
PETŐCZ, Kálmán, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates
SOPIRA, Boris, Mr., Head of the Cabinet, Ministry of Labour, Social Affairs and Family.
VAVRO, Boris, Mr., Senior Officer, Foreign Relations and Protocol Department, Ministry of Labour, Social Affairs and Family.

Advisers
CHUDÁ, Zuzana, Ms., Head, Division of the United Nations and other International Organizations, Ministry of Foreign Affairs.
BUJNOVSKÁ, Daniela, Ms., Director-General, International Relations Section, Ministry of Labour, Social Affairs and Family.
MAJEK, Milan, Mr., Senior Officer, Foreign Relations and Protocol Department, Ministry of Labour, Social Affairs and Family.
BUCHTOVÁ, Mária, Ms., Director, Department of Labour Relations and Collective Bargaining, Ministry of Labour, Social Affairs and Family.
BERNAUSEROVÁ, Miroslava, Ms., Head, Division of Nonproductive Activities, Occupational Safety Office.
HRAVÍČKOVÁ, Eva, Ms., Third Secretary, Permanent Mission, Geneva.

Employers’ Delegate
JAHNÁTEK, L’ubomír, Mr., Director-General, Plastika Nitra Holding Company, Foreign Cooperation Expert, Federation of Employers’ Unions and Associations.

Adviser and substitute delegate
HRDINA, Daniel, Mr., Director, Department of International Relations, Training and Operation, Federation of Employers’ Unions and Associations.

Advisers
KATRIAK, Martin, Mr., Vice-President, Slovak Consumers’ Co-operative Society.
KROMEROVÁ, Viola, Ms., Secretary-General, Slovak Unions of Tradesmen.
PECIAR, Stanislav, Mr., Vice-President, Trade and Tourist Union of Employers.

Workers’ Delegate
SAKTOR, Ivan, Mr., President, Confederation of Trade Unions.
Adviser and substitute delegate
VAJNORSKY, Kamil, Mr., Vice-President, Confederation of Trade Unions.

Advisers
MESTANOVÁ, Eva, Ms., Chief, International Relations Department, Confederation of Trade Unions.
LENCEŠ, Ján, Mr., Senior Officer, Confederation of Trade Unions.
ZUFOVÁ, Daniela, Ms., Executory Secretary, Slovak Trade Union Workers' Clothing, Textile, Tannery Industry; Vice-Chairperson, Committee of Women, Confederation of Trade Unions.
SZAKACS, Juraj, Mr., Senior Officer, Slovak Agricultural Trade Union.

Adviser and substitute delegate
CALIJA, Jadran, Mr., Trade Union Confederation '90.

Slovénie  Slovenia  Eslovenia

Minister attending the Conference
ROP, Anton, Mr., Minister of Labour, Family and Social Affairs.

Persons accompanying the Minister
KANDUTI, Marijana, Ms., Public Relations.

Government Delegates
ZORE, Gregor, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates
MIKSA, Franc, Mr., Minister; Deputy Permanent Representative, Permanent Mission, Geneva.
JEREB, Urska, Ms., Advisor to the Government.

Advisers
MAJČEN, Jasna, Ms., Advisor to the Government.

Employers' Delegate
SERAZIN, Azra, Ms., Secretary, Association of Employers of Craft Activities.

Adviser and substitute delegate
MISIC, Petra, Ms., Representative, Employers' Organisation.

Employers' Delegate
OMER, Elamin, Mr., Sudanese Businessmen and Employers' Federation.

Adviser and substitute delegate
MUSTAFA, Elshekh Osman, Mr., Sudanese Businessmen and Employers' Federation.

Adviser
ELTIGANI, Zakiya Bashir, Ms., Sudan Business Federation.

Workers' Delegate
KRZISNIK, Edvard, Mr., President, NEOVISNOST (Independence) Confederation of New Trade Unions.

Adviser and substitute delegate
CALIJA, Jadran, Mr., Trade Union Confederation '90.

Soudan  Sudan  Sudán

Minister attending the Conference
MAGAIA, Alison Manani, Mr., Minister of Manpower.

Persons accompanying the Minister
IBRAHIM, Ibrahim Mirghani, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
NOURELDEEN, Abbadi, Mr., Second Secretary, Permanent Mission, Geneva.

Government Delegates
HAIDOUB, Abd Elrahman Yousif, Mr., Under Secretary of Manpower.
ELHASSAN, Alsabty M., Mr., Director, International Relations, Ministry of Manpower.

Adviser and substitute delegate
ABBSHARI, Siddig Elhaj, Mr., Director, Vocational Training.

Adviser
ELTAYEB, Mahgoub Ibrahim, Mr., Labour Relations Officer.

Employers' Delegate
MUSTAFA, Elshekh Osman, Mr., Sudanese Businessmen and Employers' Federation.

Adviser and substitute delegate
MUSTAFA, Elshekh Osman, Mr., Sudanese Businessmen and Employers' Federation.

Adviser
ELTIGANI, Zakiya Bashir, Ms., Sudan Business Federation.

Workers' Delegate
ABDOON, Tag Elsir M., Mr., President, Sudan Workers Trade Unions Federation.
Adviser and substitute delegate
GHANDOUR, Ibrahim, Mr., Sudan Workers' Trade Unions' Federation.

Advisers
ALI, Hassan, Mr., Sudan Workers' Trade Unions' Federation.
BASHIR, Bashir Ali, Mr., Sudan Workers' Trade Unions' Federation.

Sri Lanka

Minister attending the Conference
SENEVIRATNE, W.D.J., Mr., Minister of Labour.

Persons accompanying the Minister
PALIHAKKARA, H.M.G.S., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SENEVIRATNE, Khema, Ms., Private Secretary to the Minister.
JAYALATH, Senaka, Mr., Coordinating Secretary to the Minister.

Government Delegates
WIMALASENA, R.P., Mr., Secretary, Ministry of Labour.
UPASENA, T.A., Mr., Senior Assistant Secretary, Ministry of Labour.

Advisers and substitute delegates
DISSANAYAKE, D.M.S., Mr., Deputy Commissioner of Labour, Ministry of Labour.
FERNANDO, M.N.S., Mr., Assistant Commissioner of Labour, Ministry of Labour.
SATHANANTHAN, F.J., Mr., Specialist Factory Inspecting Engineer, Ministry of Labour.
ATHUKORALA, U., Mr., Assistant Secretary, Foreign Relations, Ministry of Labour.
MALALASEKARA, K.D., Mr., Co-ordinating Secretary (Media), Ministry of Labour.
UPASENA, K., Ms., Senior Labour Officer, Ministry of Labour.

Suède Sweden Suecia

Minister attending the Conference
EKSTRÖM, Anna, Ms., State Secretary, Ministry of Industry, Employment and Communications.

Person accompanying the Minister
DIRKE, Lars, Mr., Director, Ministry of Industry, Employment and Communications.

Government Delegates
JONZON, Björn, Mr., Director, Ministry of Industry, Employment and Communications.
WIKLUND, Kerstin, Ms., Counsellor, Ministry of Industry, Employment and Communications.

Adviser and substitute delegate
BÄCK, Catharina, Ms., Desk Officer, Ministry of Health and Social Affairs.

Advisers
AHNSTRÖM, Lennart, Mr., Head, Machinery and Personal Protective Equipment Division, National Board of Occupational Safety and Health.
CALLTORP, Sofia, Ms., Second Secretary, Permanent Mission, Geneva.
VON EHRENHEIM, Lars, Mr., Desk Officer, Ministry of Industry, Employment and Communications.
SJÖBERG, Henrik, Mr., Desk Officer, Ministry of Industry, Employment and Communications.
SUNDBERG, Ulrika, Ms., Counsellor, Permanent Mission, Geneva.
Employers' Delegate

WALLSTÉN, Margit, Ms., Director, Swedish Employers' Confederation.

Adviser and substitute delegate

TIBELL, Björn, Mr., Director General, Swedish Energy Employers' Association.

Advisers

ANDERSSON, Cecilia, Ms., Senior Adviser, ARBIO.
BRODOWSKY, Kerstin, Ms., Director General, SAMHALL Employers' Association.
SONDELL, Anna-Maria, Ms., Legal Adviser, Swedish Employers' Confederation.
WARGHUSEN, Madeleine, Ms., Managing Negotiator, ARBIO.
WIKFELDT, Christer, Mr., Senior Adviser, Swedish Employers' Confederation.

Workers' Delegate

EDSTRÖM, Ulf, Mr., Head, International Department, Swedish Trade Union Confederation.

Adviser and substitute delegate

ZETTERVALL-THAPPER, Keth, Ms., International Secretary, Swedish Confederation of Professional Employees.

Advisers

BODIN, Roger, Mr., Trade Union Official, Swedish Teachers' Union.
NYBERG, Gerd, Ms., International Secretary, Swedish Municipal Workers' Union.
HAKANSSON, Leif, Mr., Executive President, Swedish Agricultural Workers' Union.
HANSSON, Mats, Mr., Negotiations Secretary, Swedish Agricultural Workers' Union.
ÖSTERBERG, Inger, Ms., Assistant Research Director, Swedish Confederation of Professional Associations.

Conseiller technique et délégué suppléant

BRUPBACHER, Stefan, M., Suppléant du Chef, Affaires internationales du Travail, SECO.

Conseillers techniques

BRANDT, Philippe, M., Département fédéral des Affaires étrangères (DFAE), Division politique III/A, Section ONU/OI.
BURGHERR, Rudy, M., Directeur, Service de Prévention des Accidents dans l' Agriculture/Beratungsstelle für Unfallverhütung in der Landwirtschaft (SPAA/BUL), Schöfland.
CURTI, Monica, Mme, Analyses et Politiques économiques, Politique du Marché du Travail, SECO.
JUNOD, Etienne, Mme, Responsable pour la Suisse romande, SPAA/BUL.
MEZGER, Yvette, Mme, Marché du Travail/Assurance-chômage, SECO.
NÜTZI, Gabriela, Mme, Conseillère d'Ambassade, Mission permanente à Genève.
PACHOUD, Gérald, M., Affaires internationales du Travail, SECO.
SUMMERMATTER, Heinrich, M., Office fédéral de la Formation professionnelle et de la Technologie (DFE).
ZÜRCHER, Boris, M., Chef, Politique du Marché du Travail.

Délégué des employeurs

BARDE, Michel, M., Secrétaire général, Fédération des Syndicats patronaux (FSP).

Conseiller technique et délégué suppléant

PLASSARD, Alexandre, M., Secrétaire, Union patronale suisse.

Conseillers techniques

DAVATZ-HÖCHNER, Christine, Mme, Vice-Directrice, Union suisse des Arts et Métiers (USAM).
SCHUTHÉ, Claude, M., Secrétaire patronal, FSP.
TELEKI, Géza, M., Directeur, Union économique de Bâle.
VON GRÜNIGEN, Adrian, M., Union suisse des Paysans.

Délégué des travailleurs

MUGGLIN, Urs, M., Secrétaire, Union syndicale suisse (USS).

Conseiller technique et délégué suppléant

TORCHE, Denis, M., Secrétaire, Confédération des Syndicats chrétiens (CSC).

Conseillers techniques

SAUVIN, Philippe, M., Secrétaire, Syndicat Industrie et Bâtiment, Section La Côte.

**Suriname**

**Government Delegates**

KARG, Alphonsius Maria, Mr.
BELFOR, Jimmy Laurens, Mr.

**Employers' Delegate**

VAN OMMEREN, Timothy, Mr.

**Workers' Delegate**

SOURPAYER-NORKYS, Carlotte Yolanda, Ms.

**République arabe syrienne**

Syrian Arab Republic

**Ministre assistant à la Conférence**

KOUDSI, Baria, Mme, Ministre des Affaires sociales et du Travail.

**Personne accompagnant le Ministre**

AL-HUSAMMY, Taher, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

**Délégués gouvernementaux**

YASSIN KASSAB, Abdulsatar, M., Directeur du Travail, Ministère des Affaires sociales et du Travail.
AKKASH, Tarek, M., Directeur, Services sociaux, Ministère des Affaires sociales et du Travail.

**Conseillers techniques et délégués suppléants**

BOUNI, Marwan, M., Directeur, Assurances sociales, Ville de Damas.
YASSER, Nasser-Edine, M., Directeur, Relations internationales, Ministère du Travail et des Affaires sociales.
NSEIR, Ghassan, M., Ministre conseiller, Mission permanente à Genève.
MELKI, Mohammad Salam-Eddin, M., Conseiller, Conseil des Ministres.
HAMOUI, Faysal, M., Conseiller, Mission permanente à Genève.
RAHIM, Mohammad, M., Directeur, Cabinet du Ministre, Ministère des Affaires sociales et du Travail.

**Délégué des employeurs**

HANA, Hana, M., Directeur général adjoint, Institution générale du Ciment et des Produits de Construction.

**Conseillers techniques et délégués suppléants**

ALHINDI, Yahya, M., Président, Conseil d'Administration, Chambre de l'Industrie, Damas.
EL-BAHRA, Mamoun, M., Membre, Conseil d'Administration, Chambre de l'Industrie, Damas.

**Délégué des travailleurs**

ISSA, Moustafa, M., Secrétaire, Relations arabes et internationales, Union générale des Syndicats des Travailleurs.
Conseillers techniques et délégués suppléants
AL LOZI, Ibrahim, M., Secrétaire, Services sanitaires,
Union générale des Syndicats des Travailleurs.
KABOUL, Adél, M., Président, Union des Syndicats des Travailleurs.

Tadjikistan Tajikistan Tayikistán

Government Delegates
MUSAeva, Rafika, Ms, Minister of Labour.
HALIMOV, A., Mr., Chief Specialist, Department of the President’s Office.

Employers’ Delegate
KOSHONOv, Subhon, Mr.

Workers’ Delegate
SALIKHOV, Murodali, Mr, Chairman, Trade Unions Council.

République-Unie de Tanzanie United Republic of Tanzania República Unida de Tanzania

Minister attending the Conference
KIMITI, Paul P., Mr, Minister for Labour and Youth Development.

Government Delegates
LUGEMBE, Rose, Ms., Permanent Secretary, Ministry of Labour and Youth Development.
MCHUMO, Ali, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates
RWEYEMAMU, Regina M., Ms., Labour Commissioner.
KILLO, Ibrahim S., Mr, Assistant Labour Commissioner.

Advisers
KADEGE, Nyasugara A., Ms., Minister Plenipotentiary.
KASYANJU, Irene F., Ms., Second Counsellor.
MKULLO, Mustapha H., Mr., Director-General, National Social Security Fund.

Employers’ Delegate
MAENDA, Africamus T., Mr, Executive Director, Association of Tanzania Employers.

Advisers and substitute delegates
KABYEMERA, Dominic M., Mr., Chairman, Association of Tanzania Employers.
NSEMWA, Naftali M., Mr., Director-General, Parastatal Pension Fund.

Workers’ Delegate
MASASI, Frederick M., Mr., Chairman, Tanzania Mines and Construction Workers’ Union.

Tchad Chad Chad

Ministre assistant à la Conférence
ABA DJOUASSAB, Koi, M., Ministre de la Fonction publique, du Travail, de la Promotion de l’Emploi et de la Modernisation.

Délégués gouvernementaux
KADE NDILGUEM, Elisabeth, Mme, Directrice du Travail, de l’Emploi et de la Sécurité sociale.
ALI DJALBORD, Diar, M., Directeur, Caisse nationale de Prévoyance sociale.

Conseiller technique et délégué suppléant
MAHAMMAT, Adam, M., Chef, Service des pensions, vieillesse et invalidité, Caisse nationale de Prévoyance sociale, Ministre de la Fonction publique et du Travail.

Conseiller technique
MAHAMAT, Zalba, M., Directeur, Office national de la Promotion de l’Emploi.

Délégué des employeurs
ALI ABBAS, Seitchy, M.

Délégué des travailleurs
DJIBRINE ASSALI, Hamdallah, M.
République tchèque
Czech Republic
República Checa

Minister attending the Conference
SPIDLA, Vladimir, Mr., First Deputy Prime Minister; Minister of Labour and Social Affairs.

Government Delegates
SOMOL, Miroslav, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
RÝCHLY, Ludek, Mr., Deputy Minister of Labour and Social Affairs.

Advisers and substitute delegates
FUCHS, Miroslav, Mr., Director of Department, Ministry of Labour and Social Affairs.
BRÁDLEROVÁ, Libuse, Ms., Director, Legal Section, Office of the Government.

Advisers
TOMANDLOVÁ, Ludmila, Ms., Director of Department, Ministry of Labour and Social Affairs.
KUBICKOVÁ, Daniela, Ms., Director of Department, Ministry of Labour and Social Affairs.
PINTÉR, Ivan, Mr., Counsellor, Permanent Mission, Geneva.
HYKLOVÁ, Ludmila, Ms., Ministry of Labour and Social Affairs.
SKODA, Pavel, Mr., Department of International Organizations, Ministry of Foreign Affairs.
MRÁZKOVÁ, Markéta, Ms., Ministry of Labour and Social Affairs.

Employers' Delegate
PRIOR, Pavel, Mr., First Vice-President, Union of Industry and Transport.

Advisers
DRBALOVÁ, Vladimira, Ms., Union of Industry and Transport.
ERNST, Pavel, Mr., Confederation of Employers' and Entrepreneurs' Unions.
DRÁŠALOVÁ, Nadezda, Ms., Union of Agricultural Cooperatives and Companies.

Workers' Delegate
FALBR, Richard, Mr., Chairman, Czech-Moravian Confederation of Trade Unions.

Advisers and substitute delegate
BERAN, Vlastimil, Ms., Head, International Division, Czech-Moravian Confederation of Trade Unions.

Advisers
STECH, Milan, Mr., Vice-Chairman, Czech-Moravian Confederation of Trade Unions.
KUBÍNKOVÁ, Marcela, Ms., Head, Legal Division, Czech-Moravian Confederation of Trade Unions.
SAMEK, Vit, Mr., Czech-Moravian Confederation of Trade Unions.
HONEK, Jiri, Mr., Confederation of Art and Culture.
JIRKOVÁ, Adriena, Ms., Confederation of Art and Culture.
HOTOVÝ, Jaroslav, Mr., Trade Union of Employees in Agriculture and Food.

Thaïlande  Thailand  Tailandia

Minister attending the Conference
WONGWAN, Amsorn, Mr., Deputy Minister of Labour and Social Welfare.

Persons accompanying the Minister
KENGLUECHAIBUTR, Prayudh, Mr., Adviser to the Minister.
KUMWONGSA, Sawat, Mr., Adviser to the Minister.

Government Delegates
RANANAND, Prasong, Mr., Permanent Secretary, Ministry of Labour and Social Welfare.
FUTRAKUL, Virasakdi, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates
JAMASEVI, Thapabutr; Mr., Inspector-General, Ministry of Labour and Social Welfare.
NAKCHUEN, Kamjorn, Mr., Minister Counsellor (Labour), Permanent Mission, Geneva.
BURAPHATANIN, Kovit, Mr., Director, International Affairs Division, Office of the Permanent Secretary, Ministry of Labour and Social Welfare.
MOONGTIN, Kiran, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate
KUNANANTAKUL, Anantachai, Mr., President, Employers' Confederation.
Advisers and substitute delegates

TEMCHAROENSUK, Jit, Mr., Deputy President, Employers' Confederation.
THEPHASDIN NA AYUDHYA, Anan, Mr., Committee Member, Employers' Confederation.
KHANTHAVIT, Chariya, Ms., Executive Director, Employers' Confederation.

Adviser

TEMCHAROENSUK, Penpaka, Ms., Adviser, Employers' Confederation.

Workers' Delegate

THAILUAN, Panus, Mr., President, National Congress of Thai Labour.

Adviser and substitute delegate

RODSIMA, Anchan, Ms., Committee Member, National Congress of Thai Labour.

Advisers

KAMTRONG, Sukanya, Ms., Adviser, National Congress of Thai Labour.
DUANGRAT, Somsak, Mr., Deputy Secretary-General, Thai Trade Union Congress.
KLUNSUWAN, Banyat, Mr., Deputy Secretary-General, State Enterprises Workers' Relations Confederation.

Togo

Délégués gouvernementaux

TOZOUN, Biossey Kokou, M., Ministre de la Fonction publique, du Travail et de l'Emploi.
AKOUETE, Tékpoh, M., Directeur général du Travail et des Lois sociales.

Conseiller technique et délégué suppléant

MABALO, Dickliwè, M., Conseiller technique.

Délégué des employeurs

NGUISSAN, Ouattara Komlan, M., Conseil national du Patronat (CNP).

Délégué des travailleurs

ATINTOH, Henumasu, M., Secrétaire général, Confédération générale des Cadres (CGCT).

Conseiller technique et délégué suppléant

ASSIMA, Gnoukouya, M., Secrétaire général, Union générale des Syndicats libres (UGSL).

Conseillers techniques

AKOUETE, Yaovi Béléki, M., Secrétaire général, Confédération syndicale des Travailleurs (CSTT).
NAPOE, Gbati Kpandja, M., Secrétaire confédéral chargé de l'Administration, Confédération nationale des Travailleurs (CNTT).
AKAKPO, Claudine Assiba, Mme, CSTT.

Trinité-et-Tobago

Trinidad and Tobago

Trinidad y Tabago

Government Delegates

PARTAP, Harry, Mr., Minister of Labour and Cooperatives.
SUPERSAD, Madhuri, Ms., Director, Research and Planning, Ministry of Labour and Co-operatives; Representative, Governing Body of the ILO.

Adviser and substitute delegate

RICHARDS, Mary Ann, Ms., Deputy Permanent Representative, Permanent Mission, Geneva.

Advisers

MOONILAL, Roodal, Mr., Director, Policy Monitoring Unit, Office of the Prime Minister.
BOODHOO, Lauren, Ms., First Secretary, Permanent Mission, Geneva

Other persons attending the Conference

KHAN, Addison M., Mr., President, Industrial Court.
SOVERALL, Herbert, Mr., Registrar, Industrial Court.

Employers' Delegate

HILTON CLARKE, Walton A., Mr., Vice Chairman, Employers' Consultative Association.

Adviser and substitute delegate

THOMPSON-BODDIE, Ruby, Ms., Consultant, Employers' Consultative Association.

Workers' Delegate

JOHN, Selwyn, Mr., General Secretary, National Trade Union Centre (NATUC).
**Tunisie  Tunisia  Túnez**

**Ministre assistant à la Conférence**
NEFFATI, Chedly, M., Ministre des Affaires Sociales.

**Personne accompagnant le Ministre**
BEN SALEM, Hatem, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

**Délégués gouvernementaux**
HADROUG, Abdallah, M., Chef de Cabinet du Ministre des Affaires sociales.
KCHAOU, Mohamed, M., Directeur général du Travail, Ministère des Affaires sociales.

**Conseillers techniques et délégués suppléants**
CHOUBA, Samia, Mme, Directeur, Coopération internationale et Relations extérieures, Ministère des Affaires sociales.
BACCAR, Kadhem, M., Conseiller, Mission permanente à Genève.

**Conseillers techniques**
MEGDICHE, Rabah, M., Sous-Directeur des Normes, Ministère des Affaires sociales.
BAHLOUL, Mohamed, M., Chargé de Mission, Ministère des Affaires sociales.

**Délégué des employeurs**
DJILANI, Hédi, M., Président, Union tunisienne de l'Industrie, du Commerce et de l'Artisanat.

**Conseiller technique et délégué suppléant**
MKAISSI, Ali, M., Conseiller directeur central, UTICA; Membre, Conseil d'Administration du BIT.

**Conseillers techniques**
CHERIF, Tarek, M., Membre du Bureau exécutif, UTICA.
GHARIANI, Khélib, M., Directeur des Affaires sociales nationales, UTICA.
SAHRAOUI, Mohamed, M., Membre du Bureau exécutif, UTICA.

**Délégué des travailleurs**
SAHBANI, Ismail, M., Secrétaire général, Union générale tunisienne du Travail (UGTT).

**Conseiller technique et délégué suppléant**
TRABELSI, Mohammed, M., Secrétaire général adjoint, UGTT.

**Conseillers techniques**
CHENDOUL, Mohamed M., M., Secrétaire général adjoint, UGTT.
BOUZRIBA, Ridha, M., Secrétaire général adjoint, UGTT.

**Turquie  Turkey  Turquía**

**Minister attending the Conference**
OKUYAN, Yasar, Mr., Minister of Labour and Social Security.

**Government Delegates**
SUNGAR, Murat, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SAHIN, Fikri, Mr., Undersecretary, Ministry of Labour and Social Security (MLSS).

**Advisers and substitute delegates**
DERELI, Cengiz, Mr., Deputy Undersecretary, MLSS.
ISCAN, Erdogan, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
OYMAN, Mehmet Halit, Mr., Deputy Director General, Overseas Services, MLSS.
BERBER, Abdülhalik, Mr., Counsellor, Labour and Social Affairs, Permanent Mission, Geneva.
ISIK, Rüçhan, Mr., Academic, Bilgi University.

**Advisers**
SONAER, Gül, Ms., Director General, Overseas Services, MLSS.
KENAR, Necdet, Mr., Director General, Turkish Employment Agency.
BASA, Ali Riza, Mr., Head, Department for the Coordination with the EU, MLSS.
YONEL, Irfan, Mr., Head of Department, General Directorate for Labour, MLSS.
DINC, Mustafa, Mr., Head of Department, Research, Planning and Co-ordination Board, MLSS.
DERELI, Toker, Mr., Dean, Faculty of Economics, University of Istanbul.
KUTAL, Metin, Mr., Academic, Galatasaray University.
TASKENT, Savaş, Mr., Academic, Istanbul Technical University.
OZMEN, Özkan Suat, Mr., Expert, MLSS.
KOPUZ, Aytan Arif, Mr., Expert, MLSS.
SENEL, Selmin, Mr., Expert, MLSS.
ONAY, Ali Riza, Mr., Expert, MLSS.
ELER, Levent, Mr., Third Secretary, Permanent Mission, Geneva.

**Other persons attending the Conference**
KOCAOGLU, Ali Emre, Mr., Member of Parliament.
SUMER, Ismail Seref, Mr., Member of Board, BAG-KUR.
KARADENIZ, Agah, Mr., Official, MLSS.
<table>
<thead>
<tr>
<th>Employers' Delegate</th>
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<tr>
<td>PIRLER, Bilent, Mr., Secretary General, Turkish Confederation of Employer Associations (TISK).</td>
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<th>Advisers</th>
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<tbody>
<tr>
<td>EREZ, Mesut, Mr., Chairman, Cement Producers Employers' Association.</td>
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<tr>
<td>BALTALI, Esref, Mr., Vice Chairman, Cement Producers Employers' Association.</td>
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<tr>
<td>CENTEL, Tankut, Mr., Dean, Faculty of Law, University of Istanbul.</td>
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<tr>
<td>BAYAZIT, I. Sancar, Mr., Secretary General, Cement Producers Employers' Association.</td>
</tr>
<tr>
<td>KOC, Akansel, Mr., Secretary General, Leather Industry Employers' Association.</td>
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<tr>
<td>BOLUKBASI, Ahmet Nedim, Mr., Deputy Secretary General, Employers' Association of Metal Industries.</td>
</tr>
<tr>
<td>ERSOY, Necati, Mr., Deputy Secretary General, Construction and Installation Contractors Employers' Association.</td>
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<td>ILTER, Ferhat, Mr., Deputy Secretary General, Turkish Confederation of Employers' Association.</td>
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<th>Other persons attending the Conference</th>
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<td>BAYDUR, Refik, Mr.</td>
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<td>ALTINBILEK, Dogan, Mr.</td>
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<td>KAZANCI, Birol, Mr.</td>
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<td>YILMAZ, Kemal, Mr.</td>
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<td>YAGLJ, Orhan, Mr.</td>
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<td>DOLUDENIZ, Turgay, Mr.</td>
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<td>SAHIN, Veli, Mr.</td>
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<td>AKTUG, Inci, Mr.</td>
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<tr>
<td>MERAL, Bayram, Mr., President, Confederation of Turkish Trade Unions (TURK-IS).</td>
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<tr>
<td>KARABAY, Vahdet, Mr., President, Confederation of Progressive Trade Unions (DISK).</td>
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<tr>
<td>USLU, Salim, Mr., President, Confederation of Real Trade Unions (HAK-IS).</td>
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<tr>
<td>KARAKOC, Huseyin, Mr., Secretary General, TURK-IS.</td>
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<tr>
<td>KUMLU, Mustafa, Mr., Finance Secretary, TURK-IS.</td>
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<td>KILIC, Salih, Mr., Training Secretary, TURK-IS.</td>
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<tr>
<td>OZBEK, Mustafa, Mr., President, Turkish Metal Workers' Union.</td>
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<td>POLAT, Zeki, Mr., President, Textile and Garment Workers' Union.</td>
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<tr>
<td>KAYKAC, Bedrettin, Mr., President, Agricultural Workers' Union.</td>
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<tr>
<td>TASCI, Murat, Mr., President, Wood Workers' Union.</td>
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<td>KOC, Yildirim, Mr., Adviser to the President, TURK-IS.</td>
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<th>Persons appointed in accordance with Article 2, paragraph 3(i)</th>
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<tr>
<td>TANRIVERDI, Huseyin, Mr., Vice President, HAK-IS.</td>
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<th>Ukraine</th>
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<tr>
<td>BASKAN, Recai, Mr., Secretary General, HAK-IS.</td>
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<td>TOP, Yücel, Mr., Deputy Secretary General, DISK.</td>
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<th>Ministre assistant à la Conférence</th>
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<td>SAKHAN, Ivan, M., Ministre du Travail et de la Politique sociale.</td>
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<th>Délégués gouvernementaux</th>
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<tr>
<td>MAIMESKUL, Mykola, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.</td>
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<td>VINOKOUROV, Andriy, M., Conseiller, Ministère des Affaires étrangères.</td>
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<th>Conseillers techniques et délégués suppléants</th>
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<tr>
<td>KRAZILSHCHIKOV, Anatoliy, M., Chef adjoint, Département des Relations sociales, Cabinet des Ministres.</td>
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<td>SKURATOVSKYI, Mykhailo, M., Conseiller, Mission permanente à Genève.</td>
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<td>PONOMAREV, Vasyl, M., Directeur général, Compagnie &quot;Relais et Automatisation&quot;.</td>
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<th>Conseillé des travailleurs</th>
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<td>SHILOV, Vasyl, M., Chef, Relations internationales, Fédération des Syndicats.</td>
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<td>ALONSO, Alvaro, Sr., Ministro de Trabajo y Seguridad Social.</td>
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<th>Ministro asistente a la Conferencia</th>
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<tr>
<td>ALONSO, Alvaro, Sr., Ministro de Trabajo y Seguridad Social.</td>
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</table>
Persona que acompaña al Ministro
PÉREZ DEL CASTILLO, Carlos, Sr., Embajador, Representante permanente, Misión permanente en Ginebra.

Delegados gubernamentales
IRRÁZÁBAL, Gonzalo, Sr., Director Nacional del Trabajo.
CALLORDA SALVO, Ariel, Sr., Encargado Asesoría en Relaciones Internacionales.

Consejeros técnicos
SGARBI, Carlos, Sr., Ministro Consejero, Misión permanente en Ginebra.
VIVAS, Pamela, Sra., Consejero, Misión permanente en Ginebra.
LUGRIS, Fernando, Sr., Secretario, Misión permanente en Ginebra.
PEREIRA, Carlos, Sr., Misión permanente en Ginebra.

Otras personas que asisten a la Conferencia
PÉREZ FOURCADE, Maria, Sra.
MUÑOZ, Eleonora, Sra.

Delegado de los empleadores
PENINO, Nelson, Sr., Vice Presidente, Cámara de Industrias.

Consejero técnico y delegado suplente
IGLESIAS, Cecilia, Sra., Asesora Adscripta, Cámara Nacional de Comercio.

Delegado de los trabajadores
FERNANDEZ, Eduardo, Sr., Encargado de Relaciones Internacionales, Plenario Intersindical de Trabajadores-Convención Nacional de Trabajadores (PIT-CNT).

Consejero técnico y delegado suplente
GIUZIO, Graciela, Sra., Abogada, PIT-CNT.

Consejero técnico

Venezuela

Ministro asistente a la Conferencia
MARTINEZ, Lino, Sr., Ministro del Trabajo.
Viet Nam

Minister attending the Conference
NGUYEN, Thi Hang, Ms., Minister of Labour, Invalids and Social Affairs.

Government Delegates
NGUYEN, Qui Binh, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
VU, Lam Thoi, Mr., Director, Department of International Relations, Ministry of Labour, Invalids and Social Affairs.

Advisers and substitute delegates
NGO, Dinh Kha, Mr., Deputy-Director, Department of the International Organizations, Ministry of Foreign Affairs.
NGUYEN, Manh Cuong, Mr., Chief, Section of the International Organizations, Department of International Relations, Ministry of Labour, Invalids and Social Affairs.
TRAN, Cam Hung, Ms., First Secretary, Permanent Mission, Geneva.

Employers' Delegate
VU, Tien Loc, Mr., Secretary General, Chamber of Commerce and Industry.

Advisers and substitute delegates
LE, Binh Hung, Mr., Director, Small and Medium Enterprises Promotion Centre, Branch of Chamber of Commerce and Industry.
NGUYEN, Van Nen, Mr., Member of Cooperatives' Union.

Workers' Delegate
NGUYEN, Dinh Thang, Mr., Vice-Chairman, Vietnam General Confederation of Labour (VGCL).

Advisers and substitute delegates
NGUYEN, Van Dung, Mr., Member, Chairman Board of VGCL; Director, Department of International Relations.

Zambie Zambia Zambia

Minister attending the Conference
NAMUYAMBA, Bates, Mr., Deputy Minister, Ministry of Labour and Social Security.

Government Delegates
MUTANTIKA, Phillip E., Mr.
NYIRENDA, Evans Julius, Mr.
Advisers and substitute delegates

MAPANI, Kenneth M., Mr.
MUKUNI, J., Mr.

Advisers

KONDOLO, Funny B., Ms.
KAZHINGU, A., Ms., Second Secretary, Permanent Mission, Geneva.
KATONGO, Emmanuel, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

MUSANA, Davey, Mr.

Advisers and substitute delegates

NONDE, Joan B., Ms.
MUGALA, Clement C., Mr.

Adviser

CHILEKWA, Astridah Mwelwa, Ms.

Workers' Delegate

TEMBO, Sylvester, Mr.

Advisers and substitute delegates

SHAMENDA, Fackson U., Mr.
CHILESHE, L.K., Mr., National Executive Secretary, Federation of Free Trade Unions.

Adviser

PAMOFWE CHALI, Loveness, Ms.

Zimbabwe

Minister attending the Conference

CHITAURO, F.L., Ms., Minister of the Public Service, Labour and Social Welfare.

Government Delegates

NZUWAH, Mariyawanda, Mr.
MUSEKA, L.C., Mr.

Advisers and substitute delegates

CHIDYAUSIKU, B.G., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
DZVITI, P.Z., Mr.
OBSERVATEURS

OBSERVERS

OBSERVADORES
Représentants

BERTELLO, Giuseppe, Mgr., Nonce apostolique,
Observateur permanent, Mission permanente à Genève.

PEÑA PARRA, Edgar, Mgr., Conseiller, Mission permanente à Genève.
DE GREGORI, Massimo, M., Attaché de Nonciature,
Mission permanente à Genève.

SALINA, Giorgio, M., Expert.
GUTIÉRREZ, Plácido, M., Expert.
COLANDRÉA, Anne-Marie, Mlle, Expert.
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<td>EL-NETSHEH, Rafiq Sh., Mr., Minister of Labour.</td>
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<td>EL-SABBAH, Mohamed M., Mr.</td>
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<td>RAMLAWI, Nabil, Mr.</td>
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<td>ABU SHAWISH, Ahmed, Mr.</td>
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<td>AL-ZRO, Salah H., Mr.</td>
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<td>SHEHADA, Said A.H., Mr.</td>
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<td>AL-ADJOURI, Taissir, Mr.</td>
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<td>EL-KHALILI, Gazi, Mr.</td>
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<td>EL-NABULSSI, Mouad, Mr.</td>
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<td>IBRAHIM, Haider, Mr.</td>
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<td>ABU-EL-LEIL, Mohamed M., Mr.</td>
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<td>ABDEL-GHANI, Khaled, Mr.</td>
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<td>SAAD, Shaheer, Mr.</td>
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<td>BEYARRI, Rassim, Mr.</td>
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</table>
Nations Unies
United Nations
Naciones Unidas

KHMELNITSKI, S., Mr., External Relations and Inter-Agency Affairs Officer, United Nations Office at Geneva.
VILLAN DURAN, Carlos, Mr., Research Officer, High Commission for Human Rights.

Programme des Nations Unies pour le développement
United Nations Development Programme
Programa de las Naciones Unidas para el Desarrollo

BONEV, Evlogui, Mr., Senior Adviser, Geneva Office.
SKAUG, Tone, Ms., Programme Officer, Geneva Office.
JÜRGENS, Ilona, Ms., Programme Officer, Geneva Office.

Programme commun des Nations Unies sur le VIH/SIDA
Joint United Nations Programme on HIV/AIDS

PIOT, Peter, Mr.
CRAVERO, Kathleen, Ms., Deputy Executive Director.

MTEU, Pablo, Mr., Senior Inter-Organization Officer, Secretariat and Inter-Organization Service, Division of Communication and Information.

LIM-KABAA, Wei Meng, Ms., Senior Legal Adviser, Bureau for Asia and the Pacific.
HASEGAWA, Yuka, Ms., Associate Inter-Organization Officer, Secretariat and Inter-Organization Service, Division of Communication and Information.
JORDAN, Jael, Ms.

Haut Commissariat des Nations Unies pour les réfugiés
Office of the United Nations High Commissioner for Refugees
Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados

MATEU, Pablo, Mr., Senior Inter-Organization Officer, Secretariat and Inter-Organization Service, Division of Communication and Information.
<table>
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<tr>
<th>Organisation des Nations Unies pour l'alimentation et l'agriculture</th>
<th>Banque internationale pour la reconstruction et le développement</th>
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<tr>
<td>Food and Agriculture Organization of the United Nations</td>
<td>International Bank for Reconstruction and Development</td>
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<tr>
<td>Organización de las Naciones Unidas para la Agricultura y la Alimentación</td>
<td>Banco Internacional de Reconstrucción y Fomento</td>
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<td>MASUKU, Themba N., Mr., Director, Liaison Office, Geneva.</td>
<td>SFEIR-YOUNIS, Alfredo, Mr., Special Representative to the UN and WTO, Geneva.</td>
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<tr>
<td>KONANDREAS, P., Mr., Senior Liaison Officer, Liaison Office, Geneva.</td>
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<td>BRANDSTRUP, Nina, Ms., Liaison Officer, Liaison Office, Geneva.</td>
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<td>Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura</td>
<td>Fondo Monetario Internacional</td>
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<td>CASSAM, A., Ms., Director, Liaison Office, Geneva.</td>
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<th>Organisation des Nations Unies pour le développement industriel</th>
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<td>Organización Mundial de la Salud</td>
<td>Organización de las Naciones Unidas para el Desarrollo Industrial</td>
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<td>VALLENAS, Constanza, Ms., Department of Child and Adolescent Health and Development.</td>
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<td>BERGIN, Filippa, Ms., Department of Reproductive Health and Research.</td>
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<td>COTTINGHAM, Jane, Ms., Department of Reproductive Health and Research.</td>
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<td>MARTINES, Jose, Mr., Department of Child Health and Development.</td>
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<td>SSADEH, Randa, Ms., Department of Nutrition for Health and Development.</td>
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<td>ZUPAN, Jelka, Ms., Department of Reproductive Health and Research.</td>
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<td>VAN LOOK, Paul F.A., Mr., Director, Department of Reproductive Health and Research (RHR).</td>
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<td>GUIDOTTI, Richardo, Mr., RHR.</td>
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<td>OPELZ, Merle S., Ms., Geneva Office.</td>
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<td>KNESL, June, Ms., Geneva Office.</td>
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</table>
Organisation mondiale du Commerce
World Trade Organization
Organización Mundial del Comercio

RAVIER, Paul-Henry, Mr., Deputy Director General.
SORENSEN, Jan-Eirik, Mr., Director, Trade and Environment Division.
VIGANÓ, Jorge, Mr., Conseiller, Trade and Environment Division.
LIM, Hoe, Mr., External Relations Officer, External Relations Division.
JANSEN, Marion, Mrs., Economic Affairs Officer, Economic Research and Analysis Division.

Organisation internationale pour les migrations
International Organization for Migration
Organización Internacional para las Migraciones

PERRUCHOUD, Richard, Mr., Executive Officer, Legal Adviser, Office of the Director-General.
SCHATZER, Peter, Mr., Director, Department for External Relations, Senior Regional Adviser for Europe.
LORENZ, Hans-Dieter, Mr., Deputy Senior Regional Adviser, Technical Cooperation on Migration.

Organisation internationale de la francophonie
International Organization of the Francophonie
Organización Internacional de la Unidad Africana


Union interparlementaire
Inter-Parliamentary Union
Unión Interparlamentaria

JOHNSSON, Anders B., M., Secrétaire général.
PINTAT, Christine, Mlle, Sous-secrétaire générale.
TCHELNOKOV, Serguei, M., Chargé, Questions économiques et sociales.

Organisation de l'unité africaine
Organization of African Unity
Organización de la Unidad Africana

DIOMATCHOUA-TOKO, Victor-Emmanuel, Mr., Permanent Observer a.i.
WEGE NZOMWITA, Venant, Mr., Deputy Permanent Observer.
MENSA BONSU, I.O., Mr., Minister Counsellor.

Centre régional africain d'administration du travail
African Regional Labour Administration Centre
Centro Regional Africano de Administración de Trabajo

ZANOU, Pierre, M., Directeur.

Communauté des Caraïbes
Caribbean Community Secretariat
Comunidad del Caribe

MAC ANDREW, Steven, Mr., Deputy Programme Manager, Labour and Manpower Development.

Organisation arabe du travail
Arab Labour Organization
Organización Arabe del Trabajo

GUIDER, Ibrahim, Mr., Director-General.
AL TELLAWY, Adnan, Mr., Director, Geneva Office.
ALY AHMED, Soliman, Mr., Director, External Relations Department.
SHERIF, Emad, Mr., Office of the Director-General.

Ligue des Etats arabes
League of Arab States
Liga de Estados Arabes

ALFARARGI, Saad, Mr., Ambassador, Permanent Observer, Geneva.
EL-SAYED, Mahmoud Hassan, Mr., Minister Counsellor, Observer Mission, Geneva.
BABAKER, Abdallah, Mr., Counsellor.
SEIF EL YAZEL, Sameer, Mr., Third Secretary.
EL-HAJJE, Osman, Mr.
AEID, Salah, Mr.

Organisation de la Conférence islamique
Organization of the Islamic Conference
Organización de la Conferencia Islámica

HANE, Amadou Tidiane, Mr., Ambassador, Permanent Observer, Geneva.
OLIA, Jafar, Mr., Deputy Permanent Observer, Geneva.

Organisation de coopération et de développement économiques
Organisation for Economic Co-operation and Development

LIPPOLDT, Douglas, Mr., Administrator, Employment Analysis and Policy Division.

Union européenne
European Union
Unión Europea

Commission

DIAMANTOPOULOU, Anna, Mme, Commissaire chargée de l'Emploi et des Affaires sociales.
ABBOTT, Roderick, M., Ambassador, Délégation permanente de la Commission à Genève.
DEVONIC, Fay, Mme, Chef d'unité, Direction générale de l'Emploi et des Affaires sociales.
ALVAREZ-HIDALGO, Jesús, M., Administrateur principal, Direction générale de l'Emploi et des Affaires sociales.
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Latin American Union of Municipal Workers
Unión Latinoamericana de Trabajadores Municipales

ATANASOF, Alfredo Néstor, Sr.
SLUGA, Juan C., Sr.
ARSLANIAN, Lucía, Sra.
LEONI, Claudio, Sr.
SAMPAYO, Jacinto, Sr.
CUARTANGO, Gonzalo Oscar, Sr.

Union mondiale des organisations féminines catholiques
World Union of Catholic Women’s Organizations
Unión Mundial de las Organizaciones Femeninas Católicas

BARTER, Ursula, Mme

Union Network International

JENNINGS, Philip J., Mr., General Secretary.
BOWYER, Philip, Mr., Deputy General Secretary.
SCHWASS, Hans-Jürgen, Mr., Assistant General Secretary.
PEDERSEN, John, Mr., Assistant General Secretary.
BENITEZ, Rodolfo, Mr., Joint Regional Secretary, Americas.
NG, Christopher, Mr., Regional Secretary, UNI-Apro.

Union syndicale maghrébine des travailleurs des industries alimentaires, tabacs et tourisme
Trades Unions Federation of Workers of Food, Tobacco and Tourism Industries in Maghreb Countries

MILAD, Abdessalam Ali, M., Secrétaire général.

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Union syndicale des travailleurs du Maghreb arabe
Union of Workers of the Arab Maghreb
Unión Sindical de Trabajadores del Maghreb Arabe

SAHBANI, Ismail, M., Secrétaire général.
RHOUMA, Nouri Salem, M., Secrétaire général adjoint.
YACOUBI, Moncef, M.
DORSI, Boubaker moussa, M.
ABDESSALAM, Ali Mohamed, M., Secrétaire général,
Union syndicale maghrébine des travailleurs de l'impression, de l'information et de la culture.
MILED, Abdessalam, M., Secrétaire général, Fédération des industries alimentaires et du tourisme.

Zonta International

SÉGURET, Marie-Claire, Mme
BRIDEL, Danielle, Mme

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