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HUMAN RESOURCES DEVELOPMENT

Vocational guidance and training,
Paid educational leave



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Report III
(Part 4 B)

Third Item on the Agenda:
Information and Reports on the Application
of Conventions and Recommendations

General Survey of the Reports on the
Paid Educational Leave Convention (No. 140)
and Recommendation (No. 148), 1974,
and the Human Resources
Development Convention (No. 142),
and Recommendation (No. 150), 1975

Report of the Committee of Experts on the Application of Conventions and
Recommendations (Articles 19, 22 and 35 of the Constitution)

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INTRODUCTION

I. Background to the general survey

1. In accordance with article 19 of the Constitution, the Governing Body of the ILO decided at its 238th Session (November 1987) to invite member States to present reports on their law and practice respecting the matters dealt with in the following instruments:

- the Paid Educational Leave Convention (No. 140) and Recommendation (No. 148), 1974;
- the Human Resources Development Convention (No. 142) and Recommendation (No. 150), 1975.

The reports supplied in accordance with this decision and those submitted under articles 22 and 35 of the ILO Constitution have enabled the Committee, in accordance with its usual practice, to carry out a general survey on the effect given to the instruments under consideration.

2. This is the first time that these instruments have been dealt with in a general survey. Since the 1946 amendments to the Constitution introduced the obligation to submit reports on the effect given to Recommendations and unratified Conventions, the Governing Body has only once requested reports on matters relating to training, 40 years ago.¹ This concerned the 1939 Vocational Training Recommendation (No. 57) and Apprenticeship Recommendation (No. 60); these were superseded by the Vocational Training Recommendation, 1962 (No. 117), itself superseded by the Human Resources Development Recommendation (No. 150) in 1975.

3. By choosing to request reports relating to human resources development, the Governing Body intended to contribute to the study of an important issue of considerable contemporary relevance. The key role of training in economic and social progress is widely recognised. Raising the level of knowledge, qualifications and skills enables increased productivity, which in turn enables economic growth and the improvement of standards of living. Training gives access to occupations, while enhancing workers' mobility and ability to adapt to new tasks, thus safeguarding their chances on the employment market. It is an essential element in job satisfaction and personal development.

¹ Summary of reports on unratified Conventions and on Recommendations, International Labour Conference, 34th Session, Geneva, 1951, Report III (Part II); Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 34th Session, Geneva, 1951, Report III (Part IV).

4. The increasing importance attached throughout the world to human resources development is owed to certain characteristics and trends in the development of modern societies: high demographic growth rates have forced developing countries to adapt increasing numbers of new workers to limited employment markets. In the industrialised countries, high unemployment may exist side by side with vacant jobs - a sign of insufficient or inadequate training in particular. The changes now under way in the economies of several Central and Eastern European countries will involve major reconversion and restructuring, which in turn will call for an unprecedented retraining effort. It is now generally recognised that training should be an integral part of employment policy and adjustment measures, so that an examination of ILO standards on the subject and their application is particularly opportune.

5. In 1983, when it considered an in-depth study of the ILO's vocational training programme, the Governing Body pointed out the importance of a general survey of the application of standards on human resources development. The International Labour Conference, in a resolution concerning workers' access to education adopted at its 72nd Session (June 1986), then called on the Governing Body to request member States to submit reports on the application of the instruments on paid educational leave.²

II. Context of the standards

6. The ILO's concern with training dates back to the beginnings of the Organisation. The preamble to the Constitution, which lays down the programme to be carried out by the ILO, includes "the organisation of vocational and technical education" among measures to ensure an improvement in working conditions. The Declaration concerning the aims and purposes of the ILO, adopted in 1944 by the Conference in Philadelphia, recognises "the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve: (a) full employment and the raising of standards of living; (b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being; (c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour".

7. In 1921, the Conference adopted the Vocational Education (Agriculture) Recommendation, 1921 (No. 15). In addition to adopting Recommendations focusing on the particular vocational training requirements in specific branches of economic activity - agriculture, building, merchant shipping, fishing - the Conference later saw the need to draft instruments laying down principles and methods which would be generally applicable to all vocational training activities. The Vocational Training Recommendation, 1939 (No. 57), provided, in

² Official Bulletin, Vol. LXIX, 1986, Series A, No. 2, pp. 105-108.

particular, that collaboration between all the interested parties should ensure co-ordination of the different training activities on the basis of a general programme drawn up in consultation with authorities responsible for general education and vocational guidance. The Apprenticeship Recommendation, 1939 (No. 60), also contained provisions aimed at protecting apprentices by emphasising the employer's duty to provide proper training and draw up a contract of apprenticeship. The Vocational Guidance Recommendation, 1949 (No. 87), defines vocational guidance as a continuous process which should benefit both young persons and adults, its principles and programmes being determined in co-operation with the representative organisations of employers and workers. The Vocational Training (Adults) Recommendation, 1950 (No. 88), was designed to describe vocational training methods for certain categories of adults with particular difficulties of adaptation to the employment market.

8. The adoption of the Vocational Training Recommendation, 1962 (No. 117), was an important landmark in the ILO's standard-setting activity on this subject. This very detailed instrument covered all aspects of training, except for training for management posts, seafarers and agriculture. It emphasised the role of national administration and co-operation between all the interested parties; contained provisions on information about training opportunities and vocational guidance; and encouraged "industrialising" countries to develop their training systems progressively.

9. The inclusion of provisions relating to the developing world in this Recommendation was the first sign of the profound conceptual move which made it necessary, in the early 1970s, to prepare the instruments under consideration in this survey. These instruments marked a move away from the traditional concept of vocational training purely as a means to achieve balance on the employment market and towards a broader and more dynamic concept of "human resources development" as a major factor of economic and social development. This new term embraced training and guidance as part of a continuous lifelong process of expanding the individual's opportunities for education, both in the individual's own interest and for the welfare of the community, thus contributing also to the achievement of social justice and equity.

10. The ILO began by drafting an instrument on "paid educational leave", a new term at that time. It thus tackled what was regarded as the most innovative aspect of training with a view to adopting, on the basis of a study of experience which was not widespread at the time, an instrument which would recommend that this form of continuous training of workers be generalised. A year later the Conference began the examination of a proposed instrument which was to place vocational guidance and training within the framework of general human resources development policies. The two sets of instruments which are the subject of this general survey are thus closely related.

11. It should be emphasised that, in the cases of both paid educational leave and human resources development, the Conference adopted the formula of a Convention supplemented by a Recommendation,

even though a single instrument in the form of a Recommendation had been envisaged originally.³

12. As stated in its Paragraph 77, the Human Resources Development Recommendation, 1975 (No. 150), supersedes the Vocational Guidance Recommendation, 1949 (No. 87), the Vocational Training (Agriculture) Recommendation, 1956 (No. 101), and the Vocational Training Recommendation, 1962 (No. 117); while the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99),⁴ the Vocational Training (Fishermen) Recommendation, 1966 (No. 126), the Special Youth Schemes Recommendation, 1970 (No. 136), and the Vocational Training (Seafarers) Recommendation, 1970 (No. 137), remain applicable to those categories of persons.

III. Practical activities of the ILO

13. The adoption of the instruments on human resources development provided the Organisation with comprehensive standards in an area in which it is very active. The training programme, like the employment programme, to which it is closely linked, is one of the most substantial technical co-operation programmes.⁵ Alone it accounts for over one-third of technical co-operation expenditure (see Appendix IV). It is financed mainly out of extra-budgetary resources, two-thirds of which are provided by the United Nations Development Programme (UNDP), but also by multi-bilateral donors, while an increasing share of projects is financed by the World Bank and regional development banks.

14. Nearly all developing countries have benefited from ILO technical co-operation in the training sphere, and in recent years some 300 projects were under way at any given time in 60 or so countries. These have ranged from a vast project lasting several years to set up training institutions or systems, to occasional assistance in the form of advice to governments and enterprises concerning their policies in this field. The main thrust of ILO activity is in three areas which will be examined in greater detail in

³ Paid educational leave, International Labour Conference, 59th Session, Geneva, 1974, Report IV(1), paras. 19-23; Human resources development: Vocational guidance and vocational training, International Labour Conference, 60th Session, Geneva, 1975, Report VI(1), paras. 17-33.

⁴ Supplemented in 1983 by the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168).

⁵ It will be seen in Chapter IV that infrastructure programmes and special labour-intensive public works programmes include a substantial training component. Technical co-operation programmes relating to workers' education or assistance to employers' organisations in developing countries assign a major role to training, as do social security programmes, and, to a significant extent, the International Programme for the Improvement of Working Conditions and Environment (PIACT).

Chapter IV: Vocational training, management development and vocational rehabilitation.

15. The main distinguishing feature of the technical co-operation activity of the ILO in the area of training is without doubt the way in which it encourages active contributions from employers' and workers' organisations. The regular involvement of the social partners enables their complementary objectives to be taken into account in preparing, carrying out and evaluating projects, and thus improves projects' success rate.

IV. Activities of other international organisations

United Nations system

16. The Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly on 10 December 1948, states that everyone has the right to education, and that technical and professional education should be made generally available (Article 26).

17. Under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the United Nations General Assembly in 1966 States accept specific treaty obligations relating to the rights laid down in the Universal Declaration of Human Rights. The International Covenant on Economic, Social and Cultural Rights was drafted in close collaboration with the ILO and came into force on 3 January 1976. It includes technical and vocational guidance and training programmes among the measures which States Parties must take in order to achieve the full realisation of every person's right to the opportunity to gain his living by work which he freely chooses or accepts (Article 6).

18. The Covenant on Economic, Social and Cultural Rights lays down procedures for the supervision of its application, involving the consideration of reports of States Parties by the United Nations Economic and Social Council (ECOSOC). ECOSOC is empowered to make arrangements with the specialised agencies for them to report to it on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. Under this procedure, the ILO communicates information to ECOSOC on ratifications of the relevant international labour Conventions and on the comments of the supervisory bodies concerning their application.⁶ In the case of the provisions of Article 6, paragraph 2, on vocational guidance and training, such information mainly concerns Conventions Nos. 140 and 142.

19. In a recent study, the Joint Inspection Unit of the United Nations noted that "human resource development has always been a major consideration in all development programmes of the Organisations

⁶ Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 75th Session, Geneva, 1988, Report III (Part 4A), paras. 38-42.

within the United Nations system".⁷ In the general context of the UNDP, 11 per cent of budgetary resources and 8.5 per cent of the total budget were allocated for education and vocational training purposes during the period from 1980 to 1987.

20. Each of the specialised agencies has developed training programmes within its own sphere. Thus, for example, the International Maritime Organization (IMO) is carrying out a technical co-operation programme consisting of assisting developing countries in strengthening their training potential at all levels in the maritime field. Similarly, the World Health Organization (WHO) has set up a division of development of human resources for health to carry out the planning, training and personnel administration activities necessary to ensure that national health systems are able to function.

Co-operation between the ILO and UNESCO

21. It is the United Nations Educational, Scientific and Cultural Organization (UNESCO) which has the most extensive responsibilities in the general field of education and training, and nearly all of its activities, both standard-setting and practical, are aimed at human resources development in the broad sense of the term. It was thus found necessary after a time to supplement and elaborate on the provisions of the original agreement on co-operation and consultation concluded between the ILO and UNESCO.⁸ A Memorandum on collaboration between the ILO and UNESCO in matters of technical and vocational education and related matters, approved on 14 October 1954 by the respective Directors-General,⁹ identifies the essential concerns of each Organisation and recognises the areas which may be of equal interest to both. It is agreed that each Organisation will take into consideration the standards laid down by the other. The Memorandum of Agreement between the ILO, the Food and Agriculture Organization (FAO) and UNESCO, supplementing the UNESCO/FAO agreement on agricultural education, which came into force on 3 August 1961,¹⁰ recognised the ILO's responsibility for standard setting in this area. Moreover, UNESCO states that as the specialised agency with the main responsibility for implementing International Literacy Year (1990), declared by the United Nations General Assembly, it has endeavoured to step up literacy efforts in both industrialised and developing countries. Considering that the ability to read and write is a basic element of human resources development, it feels that it has thus contributed to furthering the objectives of Convention No. 142.

22. The desire to harmonise the standards drafted by the ILO and UNESCO was expressed in the reference, in the preamble to Recommendation No. 150, to the Recommendation on Technical and

⁷ Joint Inspection Unit: Human resource development through technical co-operation (Geneva, Aug. 1989, mimeographed document JIU/REP/89/10).

⁸ United Nations: Treaty Series, Vol. XVIII, pp. 345-355.

⁹ Official Bulletin, Vol. XXXVII, 1954, No. 7, pp. 399-401.

¹⁰ Official Bulletin, Vol. XLIV, 1961, No. 7, pp. 531-532.

Vocational Education adopted by the General Conference of UNESCO at its 18th Session (1974). The preamble to the Convention on Technical and Vocational Education adopted by UNESCO's General Conference at its 25th Session (1989) likewise mentions ILO Convention No. 162 and Recommendation No. 150.

23. In addition, a regular arrangement¹¹ enables UNESCO to participate in the examination of the application of certain international labour Conventions, including Convention No. 142. The communication of reports submitted under article 22 of the ILO Constitution affords UNESCO the opportunity to transmit its observations for consideration by the Committee of Experts. In addition, a UNESCO representative is invited to join the meetings of the Committee of Experts examining Convention No. 142. The UNESCO contributions are greatly appreciated.

Regional organisations

24. The European Social Charter, drafted in the Council of Europe with the collaboration of the ILO, includes in Part I the attainment of conditions for the realisation of every person's right to appropriate facilities for vocational guidance and vocational training among the aims to be pursued by the Contracting Parties. Each Article of Part II places States under the obligations corresponding to the aims set out in Part I. Thus, Article 9 provides that the State, with a view to ensuring the effective exercise of the right to vocational guidance, undertakes to provide or promote a service providing free vocational guidance to both children and adults. Among the measures the State undertakes to adopt with a view to ensuring the effective exercise of the right to vocational training, Article 10 mentions the granting of financial assistance in appropriate cases and the inclusion in normal working hours of time spent on training at the request of the employer. The participation of an ILO representative in a consultative capacity in the deliberations of the committee of experts appointed to supervise the application of the European Social Charter enables convergence in the implementation of these provisions and those of Conventions Nos. 140 and 142.

25. The Declaration adopted in December 1989 by the Heads of State or Government of Member States of the European Community entitled "Community Charter of the Fundamental Social Rights of Workers" contains a paragraph to the effect that every worker in the Community must have access to vocational training without discrimination on grounds of nationality, and that continuous and permanent training systems should be set up, enabling every person to undergo retraining, more especially through leave for training purposes. On 29 May 1990, the Council of Ministers of Labour and Social Affairs adopted a Decision setting out an action programme for

¹¹ Exchange of letters between the Assistant Director-General and Adviser on International Labour Standards, for the ILO (12 Sep. 1979), and the Assistant Director-General, Co-operation for Development and External Relations Sector, for UNESCO (11 Jan. 1980).

the development of continuing vocational training in the European Community.

26. The Arab Labour Organisation (ALO) developed its own standard setting in the field of human resources development when it adopted the Vocational Training Convention (No. 9) and Recommendation (No. 2) in 1977, and the Paid Educational Leave Convention (No. 10) and Recommendation (No. 3) in 1979.

27. Various initiatives are aimed at contributing to the promotion of ILO standards within the framework of various regional organisations. Thus, in May 1977 the Nordic Council organised a special tripartite conference in Copenhagen on Convention No. 140, attended by representatives of the Governments and employers' and workers' organisations of Denmark, Finland, Norway and Sweden. The European Parliament, the assembly of the European Communities, adopted a resolution on paid educational leave in October 1987, urging "those member States which have not yet done so to ratify ILO Convention No. 140 as soon as possible".

V. Contents of the instruments

28. The Paid Educational Leave Convention, 1974 (No. 140), lays down the obligation of States which ratify to formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of training at any level, general social and civic education, and trade union education. The policy has to take account of the stage of development and the particular needs of the country and be co-ordinated with general policies concerning employment, education and training as well as hours of work. Employers' and workers' organisations and institutions concerned are to be associated with the formulation and application of the policy. The financing is to be on a regular and adequate basis. Leave may not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin. A period of paid educational leave must be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation.

29. The Paid Educational Leave Recommendation, 1974 (No. 148) adds that paid educational leave is not a substitute for adequate education and training early in life. It lays down the promotional measures which should be taken and contains suggestions as to responsibility for financing. Pointing out that workers should remain free to decide in which programmes they wish to participate, the Recommendation sets out the principles applicable to the grant of leave and the payment of financial benefits.

30. Under the Human Resources Development Convention, 1975 (No. 142), States Parties have to adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services. These policies and programmes should take due account of employment needs and opportunities, and the stage and level of development and other economic, social and cultural

objectives and be pursued by methods appropriate to national conditions. Designed to improve the capabilities of the individual, they have to encourage and assist all persons on an equal basis and be formulated and implemented in co-operation with employers' and workers' organisations. Open, flexible and complementary systems of education and training must be established and developed, and systems of vocational guidance and vocational training should be gradually extended.

31. The Human Resources Development Recommendation, 1975 (No. 150), supplements the Convention with detailed guide-lines as to objectives and methods. It includes Parts dealing with training for managers and self-employed persons; programmes for particular areas or branches of economic activity; particular groups of the population; promotion of equality of opportunity for women and men; migrant workers; training of staff for vocational guidance and training activities; research; administrative aspects and representative bodies; and international co-operation.

32. These four instruments have a number of common features: they all call for the formulation of policies; the implementation of such policies must be gradual and take account of national conditions; and employers' and workers' organisations must be associated with the formulation and implementation of such policies. Each of these aspects will be further dealt with in this survey in the detailed examination of the provisions of the instruments and their application.

VI. Relationship with other international labour standards

33. As this is the first general survey of the Committee to deal with the instruments on human resource development, it would be useful to place them in the context of international labour standards as a whole. These are not merely added on to one another with each change of attitude reflected on the Conference agenda. On the contrary, each new instrument fits into a coherent body of standards which it strengthens, adapts and enriches. It will not merely regulate a specific subject in isolation but will fit into a much larger context, contributing dynamically to strengthening the provisions of other instruments.¹² This interdependence of ILO instruments may be seen in the multiple links between standards on vocational guidance and training and other standards, in a twofold relationship providing confirmation, if such be necessary, of the ILO's interest in human resource development: on the one hand, many instruments, and in particular those relating to human rights, apply to training activities; on the other hand, the contribution of training and guidance to the attainment of objectives relating to employment or working conditions is recognised in several instruments in these areas.

¹² Francis Wolf: "L'interdépendance des conventions internationales du travail", in Academy of International Law - Collected courses, 1967, Vol. II, p. 119.

34. The first of the fundamental standards touching on human rights concerns the prohibition of forced labour and its corollary, the principle of free choice of employment. In earlier general surveys the Committee of Experts considered that vocational training did not come within the purview of the Conventions on forced labour. The obligation to undergo education or training must be distinguished from "work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" as defined in the Forced Labour Convention, 1930 (No. 29). It is recognised that a compulsory scheme of vocational training, by analogy with and considered as an extension of compulsory education, does not constitute compulsory work or service within the meaning of the forced labour Conventions. The Committee pointed out, however, that the distinction between training and employment was not always easy to draw, as vocational training usually entails a certain amount of practical work.¹³

35. The same question of drawing a line between activities consisting mainly of work and those consisting mainly of training arises in connection with the applicability of the Conventions on the minimum age of admission to employment to work performed by children as part of their training. The earliest of these Conventions exclude from their scope work done by children in technical schools, provided that such work is approved and supervised by the public authority. Some add the condition that such work be essentially of an educative character and not intended for commercial profit. The Minimum Age Convention, 1973 (No. 138), merely excludes from its scope work done in schools of general, vocational or technical education. Neither does it apply to work done by persons at least 14 years of age as part of a programme for which a school or training institution is responsible, a programme of vocational training approved by the competent authority or a guidance programme. The logic of this Convention lies in its placing greater restrictions and requiring more guarantees if work is performed mainly in an undertaking: in this case, it requires the public authority to ensure that the training relationship is not a pretext for abuse.

36. When it adopted the Special Youth Schemes Recommendation, 1970 (No. 136), the Conference decided that participation in such schemes should be voluntary. However, it considered that in the case of such programmes with the dual purpose of providing employment or training and at the same time contributing to development - but which must in no case be permanent arrangements for education, training or employment - exceptions to the principle of voluntary participation could be permitted, but only by legislation and in circumstances where there is full compliance with the provisions of the Conventions on forced labour and employment policy. One such exception would be education and training schemes which are compulsory for unemployed young people. In such cases the obligation to participate should be

¹³ Abolition of forced labour, General Survey by the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 65th Session, Geneva, 1979, Report III (Part 4B), para. 20.

accompanied as far as possible by free choice of forms of participation: freedom to choose the type of activity and where it takes place.

37. The Employment Policy Convention, 1964 (No. 122), provides that employment policy must aim at ensuring that "there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and use his skills and endowments in, a job for which he is well suited". It thus makes the connection between training and free choice of employment: while guaranteeing that no constraints are placed on persons obliging them to take up employment, employment policy must at the same time promote free choice by enabling each worker to train for employment which can subsequently be freely chosen.

38. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), defines discrimination as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin - or any other reason specified by the State Party to the Convention - which has the effect of nullifying or impairing the equality of opportunity or treatment. States which ratify undertake to declare and pursue a policy with a view to eliminating any discrimination in employment and occupation, including access to vocational training. They must ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority. The Employment Policy Convention, 1964 (No. 122), lists the same seven criteria of discrimination with regard to opportunity to qualify for a job.

39. With regard to discrimination on the ground of sex, the Equal Remuneration Recommendation, 1951 (No. 90) mentions, among other appropriate forms of action to facilitate the application of the principle of equal remuneration, measures ensuring that workers of both sexes have equal or equivalent facilities for vocational guidance or employment counselling, for vocational training and for placement, and measures encouraging women to use such facilities.

40. Several instruments have extended the application of the principle of equality of opportunity and treatment to distinctions which had not been expressly referred to by Convention No. 111 as grounds of discrimination. Some of these instruments provide for special measures for particular categories or groups of the population with a view to promoting effective equality of opportunity and treatment. Such measures often relate to training.

41. Thus, States which ratify the Migration for Employment Convention (Revised), 1949 (No. 97), undertake to apply, without discrimination, to immigrants lawfully within their territory, treatment no less favourable than that which they apply to their own nationals in respect of certain matters, including apprenticeship and training. In terms parallel to those of Convention No. 111, the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), includes an undertaking to declare and pursue a national policy designed to promote and guarantee equality of opportunity and treatment in respect of employment and occupation for migrant workers and their families lawfully within their territory. The accompanying Recommendation (No. 151) confirms that such equality of opportunity

and treatment applies to access to vocational guidance and placement services and to vocational training.

42. The Indigenous and Tribal Populations Convention, 1957 (No. 107), stipulates that persons belonging to the populations concerned must enjoy the same opportunities as other citizens in respect of vocational training facilities, while the Indigenous and Tribal Peoples Convention, 1989 (No. 169), provides that members of the peoples concerned must enjoy opportunities at least equal to those of other citizens in respect of vocational training measures. In addition, both instruments prescribe the provision of special training facilities whenever programmes of general application do not meet the special needs of populations or peoples concerned.

43. The Workers with Family Responsibilities Convention, 1981 (No. 156), applies to the latter "where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in any economic activity". All measures must be taken to enable such workers to become and remain integrated in the labour force, including measures in the field of vocational guidance and training. The accompanying Recommendation (No. 165) specifies that vocational training facilities and, where possible, paid educational leave arrangements to use such facilities should be made available to workers with family responsibilities.

44. According to the Older Workers Recommendation, 1980 (No. 162), older workers should, without discrimination by reason of their age, enjoy equality of opportunity and treatment with other workers as regards, in particular, access to vocational guidance services, vocational training facilities, in particular further training and retraining, and paid educational leave, in particular for the purposes of training and trade union education. To this end, appropriate measures should be taken "such as those provided for in Paragraph 50 of the Human Resources Development Recommendation, 1975".

45. The Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), concerns specific measures of vocational rehabilitation based on the principle of equality of opportunity and treatment between disabled and other workers. However, it specifies that existing services for workers generally, including vocational guidance and vocational training, "shall, wherever possible and appropriate, be used with necessary adaptations". Convention No. 159 thus follows the same logic as Recommendation No. 150, which it mentions in its preamble.

46. The instruments which are the subject of this survey contain provisions which are consistent with this body of standards on equality of opportunity and treatment. In Convention No. 140 the principle of non-discrimination as applied to the grant of paid educational leave is formulated in a particular manner, the origin of which should be recalled: presented with a proposed text according to which paid educational leave would "be available to all workers without any discrimination", the responsible Conference Committee, during the first discussion, expressed its concern to avoid any misunderstanding as to the meaning of the term, by referring to the definition in the Discrimination (Employment and Occupation)

Convention, 1958 (No. 111);¹⁴ during the second discussion the responsible Committee stated its misgivings that such wording, which appeared to require the grant of paid educational leave to "all workers", would contradict the possibility envisaged in other Articles of a progressive application of such grant of leave by means adapted to national conditions and taking account of the stage of development.¹⁵ The final wording of Article 8 eliminates these two risks of ambiguity by expressly referring to the seven criteria of discrimination laid down in Convention No. 111 as impermissible grounds for denying leave: "Paid educational leave shall not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin."

47. The provision on equal opportunity and treatment contained in Article 1(5) of Convention No. 142 was introduced as it stood during the first discussion - "encourage and enable all persons, on an equal basis and without any discrimination whatsoever" - without being contested or elaborated on during the second discussion. Nevertheless, it is clear that the seven criteria laid down when the 1958 Convention on discrimination was adopted apply. Moreover, by adopting an open wording, the Conference did not rule out the possibility of defining other distinctions as discriminatory for the purposes of the application of this provision. In this respect, account should be taken of the development of the Organisation's standard-setting activity as regards equal opportunity and treatment, recalled in paragraphs 40-44 above.

48. The instruments on paid educational leave and human resources development also provide for specific measures in favour of particular categories in order to ensure that the principle of non-discrimination is fully applied. Under Article 9 of Convention No. 140, special provisions must be established where workers find it difficult to fit into general arrangements by reason of their belonging to a particular category of workers or their employment in a particular category of undertaking. Particular categories of workers include "workers with family responsibilities" - the first time this wording appeared in an ILO instrument, replacing the traditional formulation, "women with family responsibilities". Article 3(1) of Convention No. 142 lays down the obligation gradually to extend systems of vocational guidance, including appropriate programmes, to disabled persons. A section of Recommendation No. 150 (Paragraphs 57 to 60) is devoted to particular prospects of vocational guidance and training for migrant workers. Another (Paragraphs 45 to 53) deals with measures for persons who have never been to school or who left school early, older workers, members of linguistic and other minority groups and handicapped and disabled persons.

49. The logical connection these instruments draw between non-discrimination in access to training and free choice of training should be pointed out. Paragraph 13 of Recommendation No. 148 states

¹⁴ Paid educational leave, International Labour Conference, 59th Session, Geneva, 1974, Report IV(1), para. 69.

¹⁵ Record of Proceedings, International Labour Conference, 59th Session, Geneva, 1974, No. 17, paras. 48-49.

that paid educational leave should not be denied on discriminatory grounds and is followed by another fundamental principle: "Workers should remain free to decide in which education or training programmes they wish to participate" (Paragraph 14). As for Convention No. 142, both principles are embodied in a single sentence in paragraph 5 of Article 1: "The policies and programmes shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations."

50. The standards on employment provide further confirmation of how smoothly the standards on human resource development fit into a body of standards to which they are connected in a number of interdependent relationships.

51. The Employment Policy Convention, 1964 (No. 122), provides that a policy designed to promote full, productive and freely chosen employment shall aim at ensuring that there is a fullest possible opportunity for each worker to qualify for a job for which he is well suited. Article 4 of Convention No. 140 provides that the policy designed to promote the granting of paid educational leave should be co-ordinated with general policies concerning employment, while the policies and programmes of vocational guidance and vocational training adopted and developed under Convention No. 142 must be closely linked with employment (Article 1(1)) and take account of employment needs, opportunities and problems (Article 1(2)).

52. The standards adopted in 1975 may be considered "pilot standards" on the contribution of vocational guidance and training to the objective of full, productive and freely chosen employment, as is clear from the express reference to them in subsequent instruments on employment. The Termination of Employment Recommendation, 1982 (No. 166), includes training and retraining among the measures which should be considered with a view to averting or minimising terminations of employment for reasons of an economic, technological, structural or similar nature, or mitigating its effects. It specifies that in assisting the workers affected in obtaining training or retraining, regard may be had to the Human Resources Convention and Recommendation, 1975. In addition, consideration should be given to providing income protection during any course of training or retraining. The part of the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), concerning promotion of productive employment states that the measures envisaged shall be taken in the light of the Human Resources Development Convention and Recommendation, 1975.

53. The part played by training in the improvement of working conditions has long been recognised in the standard-setting activity of the Organisation. The importance of appropriate training has been emphasised, in particular, by several instruments on occupational safety and health, from the Prevention of Industrial Accidents Recommendation, 1929 (No. 31), to the Safety and Health in Construction Convention, 1988 (No. 167). The Occupational Safety and Health Convention, 1981 (No. 155) contains provisions on the essential role to be played by training in national policy on occupational safety and health and in its implementation both at the national and at the enterprise level.

VII. State of ratifications

54. To date, the Paid Educational Leave Convention (No. 140), which came into force on 23 September 1976, has had 21 ratifications, while the Human Resources Development Convention (No. 142), which came into force on 19 July 1977, has been ratified by 44 States. Appendix II to this survey contains detailed information as to the States bound, but it may be noted that all the States which have ratified Convention No. 140 have also ratified Convention No. 142. In 1979, both Conventions were classified by the Governing Body as instruments, ratification and application of which should be promoted on a priority basis,¹⁶ and this priority was confirmed in 1987.¹⁷

VIII. Available information

55. The Committee gathered its information from the 282 reports under article 19 of the ILO Constitution: 70 on Convention No. 140, 50 on Convention No. 142, 82 on Recommendation No. 148 and 80 on Recommendation No. 150. A summary table of the reports received is contained in Appendix III. The Committee also used the information contained in the reports supplied under articles 22 and 35 of the Constitution on ratified Conventions. In addition, it noted with interest and took due account of the comments received from the employers' and workers' organisations to which the government reports had been communicated in accordance with article 23, paragraph 2, of the Constitution.¹⁸

56. The nature and extent of the information thus supplied to the Committee vary considerably from one country to another. Some reports only partly cover the matters dealt with by the Conventions and Recommendations; others confine themselves to remarks which are so general as to make it difficult to evaluate precisely the effect

¹⁶ Final Report of the Working Party on International Labour Standards, Official Bulletin, Vol. LXII, 1979, Series A, Special issue.

¹⁷ Report of the Working Party on International Labour Standards, Official Bulletin, Vol. LXX, 1987, Series A, Special issue.

¹⁸ Austria: Austrian Congress of Chambers of Workers; Bangladesh: Bangladesh Employers' Association; Colombia: National Association of Manufacturers; Finland: Finnish Employers' Confederation (STK), Employers' Confederation of Service Industries (LTK), Central Organisation of Finnish Trade Unions (SAK), Confederation of Salaried Employees in Finland (TVK), Confederation of Unions for Academic Professions (Akava); India: Bharatiya Mazdoor Sangh, National Labour Organisation; Japan: Japanese Trade Union Confederation (JTUC-RENGO); Malaysia: Malaysian Employers' Federation, Malaysian Trades Union Congress; Portugal: Confederation of Portuguese Industry; Spain: General Union of Workers (UGT); Sri Lanka: Employers' Federation of Ceylon, Lanka Jathika Estate Workers' Union (LJEWU), Ceylon Workers' Congress; Turkey: Turkish Confederation of Employers' Associations. The Committee has also noted a communication from the Fiji Trade Union Congress.

given to the instruments; on the whole, little information has been supplied on their application in practice. The Committee further notes with regret that several governments of States which have ratified one or both of the Conventions have not supplied the information required on the application of the relevant Recommendations. In line with its usual practice, the Committee has had to supplement its information by referring to legislation, official documents issued at the national and international level, reports and studies carried out by the competent technical branches of the Office, or other appropriate sources.

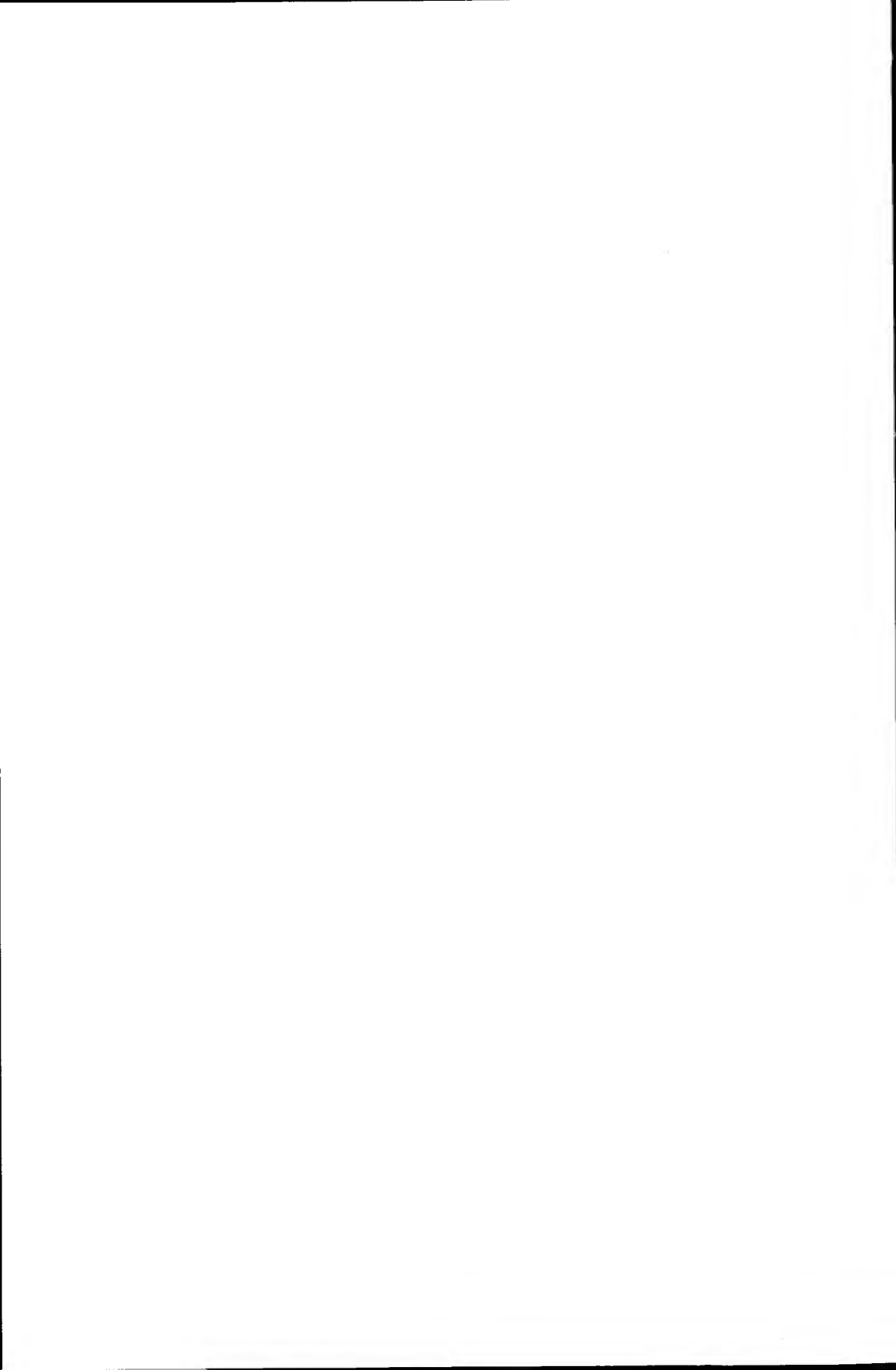
IX. Outline of the survey

57. The survey is divided into two parts, one on the instruments concerning human resources development and the other on those relating to paid educational leave. It has seemed logical to begin with the examination of the standards and practices relating to the broader of the two subjects. Thus, the following topics will be dealt with in turn in the first six chapters: policies and programmes of human resources development, vocational guidance, vocational training, programmes for particular areas and on branches of economic activity, the promotion of equal opportunity, and international collaboration and technical co-operation. The second part, on paid educational leave, contains a chapter on policies for its promotion, followed by one on the granting of it. The prospects and difficulties of ratification of both Conventions will be examined in a separate conclusion, which will also contain some final remarks.

58. References in this survey to national situations are intended merely as an example of the different practices relating to the instruments under consideration; they do not by any means claim to be exhaustive. The names of States which have ratified the Convention in question have been underlined.

PART I

HUMAN RESOURCES DEVELOPMENT



CHAPTER I

POLICIES AND PROGRAMMES

59. In accordance with Article 1 of the Human Resources Development Convention, 1975, each Member should "adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training". The two terms "policies and programmes" clearly imply a strategy consisting of policies to be implemented by means of concrete programmes. The fact that both terms are in the plural reflects the extent and diversity of the subjects concerned, especially as regards vocational training, and the great number and variety of types of laws and measures adopted and of bodies and institutions established to implement them.

60. Indeed, the matters and persons covered by the instruments are particularly widely conceived. Articles 2 and 4 of the Convention clearly imply that it embraces all systems of vocational education, guidance and training, whether the activities take place within the system of school education or outside it. The standards concern all sectors of the economy and branches of economic activity and all levels of skill and responsibility, and apply both to young persons and to adults (Article 4) - whether they are in an employment relationship or not - and "without any discrimination whatsoever" (Article 1, paragraph 5), in categories as varied as those mentioned in Recommendation No. 150: men and women, rural as well as urban, older workers, disabled persons, migrants, and members of linguistic and other minority groups.

61. The Committee intends to examine, in the first section below, the extent to which policies and programmes have been elaborated, the different types of instrument used to this effect, the principal objectives pursued, the competent bodies or institutions, in federal as well as other States, and the scope of the measures introduced, as well as co-ordinating mechanisms, the problems they raise and the solutions found by various member States. The next topic to be dealt with is the close link between vocational guidance and training and employment to be established in accordance with Article 1, paragraph 1, in particular through public employment services, as well as the manner in which the various factors mentioned in the same Article are taken into account, the part played by employers' and workers' organisations, and the role of research and of periodic reviews of policies and programmes. The second section will deal with the implementation of objectives so as to "establish and develop open, flexible and complementary systems".

Section 1. One general policy or a series of policies

62. Unlike employment policy,¹ to which reference is made in the preamble to Recommendation No. 150, few countries report that they have declared a general policy on this matter.² This is due, no doubt, to the complexity of the wide scope of the overall concept of human resources development and the diversity of the authorities responsible. However, this general survey will certainly discuss, on the one hand, the effects (apart from the importance of employment policy)³ of the national economic and social development plan in a number of developing countries⁴ and, on the other hand, the role that studies, official reports or White Papers submitted for wide public debate both among interested parties and in parliament, can play in the design or revision of an appropriate strategy; though these documents and debates usually deal with only one aspect of a broad subject (for example adult education or university education),⁵ taken together they often prepare the ground for significant reforms.

¹ See ILO: General survey on the reports relating to the Employment Policy Convention and Recommendation, 1964, report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 57th Session, Geneva, 1972, Report III (Part 4B).

² This is true in particular of Egypt. In Japan, in accordance with the Act respecting vocational training of 1969 (LS 1969-Jap. 1), as amended in 1985, the Minister of Labour has to formulate a national plan for human resources development. In November 1989, Australia adopted a policy statement on the development of human resources. On the other hand, the Act respecting "training credits", adopted in France on 12 July 1990, establishes the principle that all workers in employment or all persons starting employment have a right to an occupational qualification and should be able to undertake, on their own initiative, a course of training enabling them to acquire such a qualification, regardless of their status. They are also entitled to a prior assessment of their aptitudes and the formulation of a personalised training project, as well as a subsidy for all or part of this training. This Act thus contains the basic elements of at least a training policy, if not also an education policy, if one takes into account remedial education where necessary, as well as a certain amount of vocational guidance. Nigeria indicates in its report that its national human resources policy has yet to be adopted.

³ For example, Austria.

⁴ Among others, Algeria, Morocco and Tunisia, various countries in French-speaking sub-Saharan Africa, Brazil, Cyprus, Ecuador, Egypt, Philippines.

⁵ Such documents were mentioned by several countries, including Norway, which referred to a recent report on education policy with increased support from employers, especially in updating and implementing a plan of action; the United Kingdom, where over half a dozen White Papers were published between 1984 and 1990 on employment,

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63. Some countries have referred to vocational guidance and vocational training policies,⁶ but the majority have an education policy (generally in the wide sense, including technical and vocational education at least),⁷ or a vocational training policy⁸ or both,⁹ or even regional¹⁰ or sectoral policies or policies concerning specific areas or categories.¹¹ Most countries have referred to a national vocational training scheme or programme.¹² One country indicates that less institutionalisation or less interventionism by the public authorities might be in keeping with a policy relying on regulation of the labour market through the

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education, including higher education, training schemes, especially youth training schemes; and Trinidad and Tobago, which reported on consultation to formulate an overall human resources development programme. In Switzerland, the Government (Federal Council) launched a "further training offensive" and adopted a Message on this subject on 28 June 1989. In 1984, the Supreme Soviet of the USSR adopted guide-lines on the reform of general and vocational educational establishments.

⁶ For example, Dominican Republic.

⁷ Thus article 214 of the Constitution of Brazil of 1988 provides for legislation on an education plan extending over several years.

⁸ This was indicated by Iraq; in Switzerland the recent Act on vocational education, adopted on 17 September 1990 by the Canton of Vaud, called for a clearly defined policy on vocational training. In Tunisia, Decree No. 90-875 of 25 May 1990, establishing the powers of the new Ministry of Vocational Training and Employment, assigns it the task of formulating government vocational education and employment policy and implementing and evaluating such policy.

⁹ This is probably the most prevalent, but there is little information available on education policy. In Turkey, a protocol focusing on employment, including the training of skilled labour, was signed a few years ago by the Ministry of Education and the Ministry of Labour and Social Security. In Brazil, in addition to the information contained in note 7 above, a national vocational training policy was published on two separate occasions in the 1980s.

¹⁰ A move in this direction was mentioned by Egypt and the Netherlands. The report from Japan stated that the basic five-year plan on employment promotion measures took particular account of local employment needs.

¹¹ For example, in Ireland for disabled persons, in the United Kingdom (British Virgin Islands) for training in the civil service, in Norway for continuing education, and in the United Kingdom normally for adult training (the "Adult Training Strategy"). Policies and programmes to combat unemployment and to promote the employment of women and vulnerable and disadvantaged groups will be examined in Chapter V.

¹² For example, Norway, San Marino, Spain. Belize has adopted a national plan for vocational and technical education linked to employment opportunities and covering the period 1989 to 1994.

mechanisms of supply and demand, as is the case in countries where the apprenticeship system is particularly advanced.¹³

(a) Objectives

64. One of the major objectives assigned to these policies and programmes by Article 1 of Convention No. 142 is, of course, employment, and this is confirmed in Paragraph 15(3) of Recommendation No. 150. This will be discussed in greater detail below in the context of "vocational guidance and vocational training closely linked with employment", and later chapters will examine the various systems and measures to combat unemployment and underemployment.

65. Article 4 of the Convention requires that vocational training systems "meet the needs for vocational training throughout life of both young persons and adults ...", thus covering initial training, further training (especially refresher training to cope with new technologies) and retraining, in keeping with the increasingly prevalent concept of continuing or permanent training. These different kinds of training will, moreover, enable mistakes of vocational guidance to be remedied and adjustments to new developments to be made. They will be examined in greater detail in Chapter III below. The importance of these various aspects is clearly established by Recommendation No. 150.

66. In this respect, Article 1 of Convention No. 142 requires that "comprehensive and co-ordinated policies and programmes" be adopted and developed. It determines objectives which go well beyond access to and preparation for employment, stating in paragraph 2 that "[t]hese policies and programmes shall take due account of: ... (c) the mutual relationships between human resources development and other economic, social and cultural objectives". It stipulates in paragraph 4 that "[t]he policies and programmes shall be designed to improve the ability of the individual to understand and, individually or collectively, to influence the working and social environment", finally stating in paragraph 5: "The policies and programmes shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society". Several provisions of Recommendation No. 150, for example Paragraphs 4(6) and 6(a) and (e), are more explicit as to these general objectives.

67. Various countries have indicated that they are pursuing one or more of these objectives: the vocational training policy of Brazil during the 1980s was designed to create conditions which would allow greater worker participation in the country's economic, political, social and cultural life; Colombia has included among the functions of its central training organisation (SENA) integrated training, which would provide citizens with "the necessary moral and cultural values"; the Act establishing an organisation of this kind in the Dominican Republic refers in its preamble not only to productivity, but also to "human promotion and social advancement of the

¹³ Switzerland.

population"; Venezuela includes among its educational aims that of "promoting active participation, with full awareness and in a spirit of solidarity, in the process of social change", while Turkey states that its adult education scheme includes socio-cultural programmes.¹⁴ Many other countries, either explicitly or implicitly, assign economic, social and cultural objectives to their human resources development policies and programmes, and, as this general survey will demonstrate, there is a tendency to relate practical training to the economic environment. The Committee is of the opinion that the provisions of Convention No. 142 and Recommendation No. 150 quoted above should be duly taken into consideration by countries defining their human resources development policy objectives.

(b) Measures to ensure the implementation of policies and programmes

(i) Constitutional provisions

68. These usually relate to the fundamental rights laid down in various countries and, in particular, the rights to education,¹⁵ vocational training¹⁶ and in some cases freedom of instruction,

¹⁴ A mission of the ILO International Programme for the Improvement of Working Conditions and Environment (PIACT) has referred to the emphasis placed by this country on the cultural aspects of vocational training.

¹⁵ Article 7(e) of the Constitution of Bolivia establishes the right to receive education. The right to education is one of the social rights laid down in article 7(II) of the Constitution of Brazil of 1988. Article 27.1 of the Constitution of Spain of 1978 stipulates the right to education. Articles 59 and 70 of the Constitution of Hungary establish the right to study, which includes further training for adult workers. Article 41 of the Constitution of Madagascar guarantees the right to education. Morocco also mentions the right to education as one of the citizen's fundamental rights enshrined in its Constitution. Article 43 of the Constitutions of the Byelorussian SSR and the Ukrainian SSR and article 45 of the USSR Constitution provide for the right to education, as well as the right to training.

¹⁶ Article 50 of the Constitution of Cuba of 1976 guarantees the right of everyone to vocational training and education. While the Constitution of Mexico originally embodied the fundamental right to training for employment, a later amendment (article 23) imposes an obligation on all Mexican enterprises to provide their workers with training (this obligation is set forth in the Federal Labour Act). The Constitution of Yugoslavia also provides for the right to vocational training.

which may occasionally be conditional,¹⁷ and the principles of non-discrimination and the free choice of trade or profession.¹⁸

(ii) Legislation

69. The countries that have ratified this Convention, and many of those that have not yet done so, usually have an act or statutory order on education¹⁹ (sometimes with special provisions for higher education) and on vocational training,²⁰ providing the basis for the relevant structures and activities. Some legislation deals with the specific field of training (for example, retraining in the United States). During the most recent revision of federal law in Switzerland, there was a debate as to whether vocational guidance and vocational training should be dealt with in a single or separate texts, and it was finally decided to make a single law. In view of the incomplete nature of available information, it is impossible to state how often national legislation concerning vocational guidance has been adopted: but it is not unusual for legislative provisions to

¹⁷ The right to freedom of instruction is recognised by the National Constitution in Belgium, in Spain (which states that this right had been the subject of two cases of administrative jurisprudence, concerning, in particular, the creation of centres) and in Rwanda. Under the Constitutions of Brazil and Mexico, instruction is open to private initiative subject to authorisation and quality control by the Government.

¹⁸ This free choice mentioned in the Constitution of Germany, for example, is also laid down in article 22 of the Constitution of Japan, as well as in article 5 of the Constitution of Mexico, as amended in 1990.

¹⁹ For example, Byelorussian SSR, Czechoslovakia, Guyana (Act dating back to 1876 with various subsequent amendments), Japan, Rwanda, Sweden, Tunisia, United Kingdom (Education Reform Act, 1988), USSR and Venezuela. Peru published a draft general law on education in 1990.

²⁰ Countries which mentioned such laws and regulations include: Algeria, Australia, Austria, Bangladesh, Belgium, Botswana, Canada, Denmark, France, Germany, Guyana, Ireland, Israel, Japan, Kenya, Lesotho, Luxembourg, Mauritius, Norway, Portugal, Singapore, Sudan, Switzerland, United Republic of Tanzania, Trinidad and Tobago, Tunisia, Turkey, United Kingdom and a number of Latin American countries, in particular those that have established a central vocational training organisation by law or legislative decree, such as Brazil (where the establishment of the SENAI dates back to 1942), Chile, Ecuador, Panama and Uruguay; others, such as Colombia or Nicaragua, have done this by simple decree. The ILO's Inter-American Vocational Training Research and Documentation Centre (CINTERFOR) has published a collection devoted to legislation on vocational training in Latin America. Other countries are in the process of adopting legislation in this field, having first had the benefit of ILO technical co-operation (e.g. Rwanda, Somalia). Several countries have special legislation for disabled persons or concerning discrimination.

establish the right of free choice of occupation,²¹ or the right to education and training.²²

70. It is worth noting that, when a country has adopted a labour code,²³ the Code traditionally contains at least some basic provisions concerning apprenticeship (apprenticeship contract, rights and duties of master and apprentice, etc.), and there is currently a tendency to include provisions concerning other aspects of vocational training, such as continuing training.²⁴

(iii) Regulations, including enforcement regulations, and administrative measures

71. In several countries, certain questions concerning the development of human resources are regulated by regulations,²⁵ which which can often be enacted and amended more rapidly than statutes; depending on tradition or the legal system, the labour code and legislative texts can be supplemented by a substantial body of regulations.²⁶ In practice administrative measures play a major role.

²¹ In Austria, Act No. 142 of 1867 guarantees the right of choice in matters of employment and the relevant academic or non-academic training; and Act No. 31 of 1969 concerning employment market promotion contains important provisions on vocational guidance.

²² As, for example, in the case of a Proclamation in Ethiopia, whereby enterprises are obliged to provide training for their personnel. The right to general and vocational training, as well as to promotion and on-the-job training, is recognised by the Labour Code of Equatorial Guinea. The relevant law in Japan calls for the promotion, development and improvement of human resources in accordance with the aspirations, abilities and experience of the workers (section 3). In Portugal, a Legislative Decree places the employer under an obligation to provide his workers with initial and further training opportunities, fully or partly financed by the State.

²³ For example, Afghanistan, Bulgaria, Byelorussian SSR, Cameroon, Chad, Chile, Côte d'Ivoire, Cuba, Czechoslovakia, Egypt, Ecuador, El Salvador, Gabon, Guinea, Honduras, Hungary, Iraq, Libyan Arab Jamahiriya, Madagascar, Mali, Mongolia, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Tunisia, Ukrainian SSR, USSR (most of these codes have been published in the ILO Legislative Series, at least in their initial version). Some countries, such as Equatorial Guinea, Mexico and Mozambique, include provisions on vocational training in their general labour laws.

²⁴ For example, France and Guinea.

²⁵ For example, Brazil and Japan, where training standards, in particular, are determined by order of the Minister of Labour. In the USSR, there are model regulations, including those on in-service training or continuing training.

²⁶ For example, in France, Hungary, Switzerland. In some countries, such as Rwanda, where the Labour Code provides for relatively high wage rates for apprentices, whereas up to the present

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(iv) The situation of federal States²⁷

72. Although a federal structure can give rise to complex problems in respect of the application of the Convention, the Committee notes that many States with such a structure have ratified the Convention. Such states include Germany, where practical training given outside school comes under federal jurisdiction (but the Länder hold co-ordinating meetings on education); Austria, where the Länder have adopted laws and established their own organisations; Australia, where the governments of states and territories are responsible for legislation and administration in matters concerning vocational education and training in the areas within their jurisdiction;²⁸ Brazil and Mexico, where labour legislation is the responsibility of the federal Government. They also include Switzerland, where vocational training is governed by a federal Act and a federal Decree implemented by cantonal laws, and where training programmes, examinations and the certificates issued are usually federal, but where certain specified trades and professions come under cantonal legislation;²⁹ the Swiss cantons supervise apprenticeship and organise vocational education and examinations. In Czechoslovakia, the Czech and Slovak Republics each have their own ministries and legislative bodies; in the USSR, there are provisions in the constitutions and legislation at all levels; in Yugoslavia, labour legislation is the responsibility of the federation, the Republics and the Provinces, while education and training are primarily regulated by the Republics and the Provinces.

73. Among the federal States which have not ratified Convention No. 142 are Canada, where a number of measures have been adopted at provincial level; and the United States, where an important federal law on vocational education was passed in 1984 (Carl D. Perkins

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the tradition of paying the apprentice master applied, the labour inspectorate is reluctant to impose penalties if no enforcement regulations exist. In other countries, the absence of enforcement provisions, or delay in adopting them, can mean that practice does not yet conform to legislation.

²⁷ See, for example, Maupain, F.: "Federalism and international labour Conventions: Some reflections prompted by two anniversaries", International Labour Review, Nov.-Dec. 1987, pp. 625-651. Of the three countries quoted as examples, one only - Australia - has ratified Convention No. 142.

²⁸ The federal Government is responsible for trainees in its employ and thus exerts an influence through its financing or subsidies and its employment policy, including counselling and guidance services, as well as through various consultation mechanisms, such as the Commonwealth and States Training Advisory Committee (COSTAC) or the twice-yearly meetings of the Ministries of Labour.

²⁹ This applies in particular to the teaching and paramedical professions. There are special laws and regulations to govern forestry, agriculture and fishing.

Vocational Education Act), which the various states are responsible for enforcing: a considerable role is played by federal subsidies.

(v) Collective agreements and other contractual provisions

74. Human resources development is regarded as a matter of common interest for State, employers and workers and, because of its relevance to the realities of working life at all levels, lends itself particularly to collective bargaining at national, sectoral and even enterprise level. The Committee has not been in a position to conduct an in-depth analysis of collective agreements concerning training (vocational guidance being in any case rarely mentioned in collective agreements), owing to the limited amount of information received on this subject.³⁰

75. The Committee has found that in France, where many collective agreements had long contained only very general provisions on training or referred to schedules which had not always been adopted, the introduction of new technologies and the training necessary for the regrading of workers in connection with reorganisation or personnel cutbacks have been a source of enrichment in collective bargaining as they have in several other countries; recent enterprise agreements have even produced original and innovative formulas. What is more, under a recent Act, the branch or enterprise agreement must cover the objectives and means of training.³¹ Yugoslavia provides a similar example in this respect.³²

³⁰ The Committee did, however, have access to copies of collective agreements from the United Kingdom (Bermuda) and Italy containing clauses on vocational training. Mexico has indicated that, since 1978, its legislation required clauses concerning training to be included in collective agreements. The Netherlands has referred to an increase in the number of such clauses in recent years. Other countries have mentioned collective agreement clauses on various aspects of training: Belize (for social security personnel), Benin, Côte d'Ivoire, Greece, Switzerland, Turkey.

³¹ The Act provides that organisations bound by a branch or occupational agreement must meet to bargain on the objectives and means of vocational training. In enterprises with at least 50 employees there is an obligation on the employer to engage in collective bargaining when the branch bargaining has been unsuccessful or when the enterprise is not covered by a collective or branch agreement - Act No. 84-130 of 24.2.84 to reform continuing vocational training and make consequent amendments to the Labour Code - LS 1984-Fr. 1, Labour Code section L.932-2.

³² According to the "Common principles concerning the conclusion of collective agreements" adopted in Yugoslavia on 3 January 1990, to enforce an Act of 29 September 1989 on fundamental rights ensuing from the employment relationship, collective agreements should include provision in respect of training.

76. Furthermore, in France, certain major national agreements³³ - for example, those concerning continuing training or redeployment - have prepared the way for legislation and financial aid from the State, a process that some jurists called "negotiated legislation". It is common practice for collective agreements to fix remuneration rates of apprentices in France, as well as in Germany and Denmark.

77. Training "agreements" are frequently concluded between the public authorities or bodies responsible for training schemes and training institutions, or even enterprises.³⁴ They involve a type of subcontracting accompanied by financial aid or subsidies.

78. An examination of the application of Article 5 of the Convention concerning co-operation with employers' and workers' organisations will provide additional information on certain points mentioned here.

(vi) Arbitration awards and case law

79. Whether they confirm an agreement or settle a dispute, arbitration awards traditionally play a particularly important role in Australia. Some of these awards contain provisions on wages and on other aspects such as age limits for apprenticeship. The past few years have seen a tendency to enrich their content and to link remuneration levels and structures more closely with training, as well as to stimulate career policies.

80. Apart from the few cases referred to elsewhere concerning the interpretation of constitutional provisions, the information received contains no mention of decisions in case law that have had any major influence on the field of human resources development.

³³ Summaries of various agreements in this country have been published in the ILO Social and Labour Bulletin (see, for example, No. 1/84, pp. 152-153, concerning an enterprise agreement which provides for equal opportunities for female staff, No. 3-4/85, pp. 622-624, concerning craftsmen and the steel industry, No. 3-4/86, p. 508, concerning mobility and flexibility, No. 3/87, pp. 526-528, concerning a framework agreement dealing with the introduction of new technology, No. 1/88, pp. 63-64, on an agreement with Citroën, and pp. 114-116 on an agreement in connection with unemployment insurance). In Germany, an agreement concluded with the Shell company in recent years proposed voluntary further training to be undertaken during the free time resulting from reduced working hours. In Spain, a national economic and social agreement, dated 1984, dealt with training, among other things. In Italy, the "protocol" of the parastatal industrial group IRI, signed a few years ago, referred specifically to training, and between 1985 and 1986 major national agreements were concluded by the employers' and workers' organisations. In Sweden, the 1982 national agreement on participation, followed by sectoral and subsequently by local agreements, focused on training. A summary of agreements on new technology was published in Vol. III, No. 2, autumn 1984 issue of the ILO publication Conditions of work - a cumulative digest.

³⁴ For example, Argentina, Byelorussian SSR, France, Portugal, Tunisia, Uruguay, Venezuela.

(c) Co-ordination of the policies and programmes

(i) Competent authorities or bodies

81. In a field as broad as human resources development, it is rare for one body, one specific ministry for example, to have sole competence. Admittedly, some countries have entrusted what might be termed a predominant role to one ministry - usually the ministry of education,³⁵ occasionally supported by a "state secretariat" for technical and vocational education³⁶ or vocational training³⁷ - but the specialised ministries, such as those responsible for public health, agriculture and fishery workers, generally retain authority over training within their own jurisdiction. In several countries of Central and Eastern Europe, however, the traditional competence of the ministry of education does not necessarily prevent the ministry responsible for labour issues from playing a role.³⁸

82. In most countries, the questions (including educational guidance) dealt with by Convention No. 142 for the most part come under the ministry of education and the ministry of labour (mainly for training activities outside the system of formal education, such as apprenticeship and other in-service training, special programmes to combat unemployment or in favour of various disadvantaged groups, and for vocational guidance provided under the auspices of the employment services). However, apart from the ministries of agriculture and health (for medical and paramedical personnel, perhaps for disabled persons), other ministries in various countries may intervene in the development of human resources: the ministries for planning,³⁹ youth and sport, development (in particular rural development), social affairs (although this is frequently merged with the ministry of labour), the public service, industry, trade, small businesses, public works, communications and transport, energy⁴⁰ or mining, tourism,

³⁵ For example, Belize, Hungary, Lesotho.

³⁶ For example, Mozambique.

³⁷ Algeria has recently created a Ministry of Education and Training, assisted by a "state secretariat" for vocational training, but training in the enterprise, including apprenticeship, still comes under the Ministry of Labour and Social Affairs. In Kenya, besides the existing Ministry of Education, a new Ministry of Technical Training and Applied Technology has recently been established, in particular for training in the formal sector; and youth training centres are under the authority of the Ministry of Culture and Social Services, which also supervises the training provided by non-governmental, mainly religious, organisations. In Lesotho, the Ministry of Education has a department of technical and vocational education and training, as well as a technical and vocational training agency.

³⁸ For example, Byelorussian SSR, where a State Committee determines the qualifications required of workers.

³⁹ For example, Morocco, San Marino.

⁴⁰ In particular, Algeria, Portugal and Uruguay.

housing and construction⁴¹ or other sectoral ministries,⁴² justice (vocational training for prisoners), the interior (e.g. for the police, firemen and emergency services), and defence (for the armed forces). There is also evidence of an increasing role played by the social security organisations in various countries in co-ordinating programmes to combat unemployment or (for example, in Australia) in favour of disabled persons.

83. In addition to the earlier observations concerning various States with a federal structure, it should be emphasised that certain countries, such as Italy, for example, tend to delegate considerable authority to the regions, to such an extent that these have their own rules in this respect.

(ii) Forms of co-ordination

84. From the first discussion held with a view to adopting new standards during the 59th Session of the International Labour Conference in 1974, the report of the Committee on Human Resources emphasised that "policies, programmes and standards defined by the ILO should help to overcome the problems resulting from the fact that, in member States, a number of ministries were concerned with guidance, training and education, which implied the risk of duplication, friction and waste".⁴³ Even sectoral programmes or programmes linked to investment projects, close as they are to reality, require co-ordination to economise on human, financial and material resources and to increase their effectiveness.

85. It is not unusual for ministries of employment and vocational training to be established to deal with labour issues in general. Such ministries, like the ministry of labour itself in some countries, are in an ideal position to assume a co-ordinating role which the ministry of education does not have. However, the plurality of ministries and other competent authorities has, in many countries, given rise to the creation of a co-ordinating body, usually with an advisory capacity but sometimes with decision-making powers, for example, in respect of certificates, licences and diplomas, their recognition, the setting of training standards, the harmonisation of programmes.⁴⁴

86. With the exception of small States, where informal contacts between government officials generally suffice, such bodies have usually been established at national level under various names: interdepartmental co-ordinating committees,⁴⁵ national education

⁴¹ For example, Sri Lanka.

⁴² Ministry for the Sugar Industry in Cuba, for example.

⁴³ Record of proceedings, ILC, 59th Session, p. 492.

⁴⁴ For example, Australia (New South Wales), Brazil, Japan, Singapore, Sweden, United States; United Kingdom (Hong Kong).

⁴⁵ Afghanistan, France, Israel (for training in the enterprise), Mexico and Portugal (for employment), USSR.

board,⁴⁶ technical and vocational education board,⁴⁷ apprenticeship board,⁴⁸ apprenticeship and training board,⁴⁹ vocational training board.⁵⁰ In Mexico, the training and employment co-ordinating structures and agreements appear to be especially developed, and this applies also to interdepartmental and inter-state co-ordination. In some countries, such as Spain, the national vocational training board is also responsible for vocational guidance; in others, such as Finland or Sweden, there is a special national board for this purpose. Panama is planning to strengthen co-ordination through the creation of a technical committee, with an advisory committee, under the auspices of the Ministry of Planning and Economic Policy. In Jordan, co-ordination is mainly the responsibility of the National Planning Board. In Egypt, "Human Resources Development" is part of the name of the board. Other countries also have specialised co-ordinating bodies.⁵¹

87. The number and responsibility level of members of the co-ordinating bodies have given rise to problems in more than one case. Moreover, the general survey of the reports relating to the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), drew attention to the fact that many bodies of this kind have ceased to function or function only imperfectly.⁵² The information received shows that different countries have sought different solutions: a limit on the number of members and the establishment of subcommittees or specialised groups with the possibility of consulting experts not having the right to vote,

⁴⁶ For example, Australia, Brazil, Dominican Republic, Ecuador, Finland, France (with the "high committee for training in economics"), Japan, Nicaragua.

⁴⁷ For example, Argentina, Finland, United States.

⁴⁸ For example, Portugal.

⁴⁹ For example, Turkey; United Kingdom (Bermuda).

⁵⁰ Algeria, Guyana, Kenya, Malaysia, Mauritius, Mexico, Norway (where it deals mainly with apprenticeship and advises the Ministry of Education), San Marino, Switzerland (a federal commission), Togo (within the Ministry of Technical Education and Vocational Training); United Kingdom (Hong Kong).

⁵¹ For example, for adult training or continuing training (Luxembourg), training in the enterprise (United States). This is also the case in Algeria, where various ministries are represented in the National Institute for the Promotion and Development of In-Service Vocational Training.

⁵² See ILO: Consultation at the industrial and national levels, general survey by the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 61st Session, Geneva, 1976, Report III (Part 4B), para. 42. On delayed response or limited influence, as well as gaps and discrepancies in respect of needs, see ILO: Training and retraining - implications of technological change, Fourth European Regional Conference, 1987, Report III, pp. 44, 46.

smaller permanent structures able to meet more frequently,⁵³ or systematic appointment of members.⁵⁴

88. The secretariat plays an important part in the smooth running of such bodies, and this is frequently entrusted to the ministry mainly responsible for vocational training outside the system of formal education, such as the ministry of labour or its vocational training department.

89. In a number of cases, especially in the industrialised countries, the same types of bodies exist at regional,⁵⁵ local⁵⁶ and even at sectoral⁵⁷ levels. A common example is the boards of educational and training establishments, where teachers or instructors, parents, employers' and workers' organisations, and sometimes pupils are represented. It appears that it is at these levels that the best results have been obtained.⁵⁸ Yet it is desirable and in keeping with the spirit of Convention No. 142 to have overall co-ordination at the highest level.

90. At least as far as vocational training in the broad sense of the word is concerned, the existence of central bodies (some of these conducting research and providing business consultancy), such as are to be found, in particular, in Latin American⁵⁹ but also in other

⁵³ For example, France.

⁵⁴ For example, Mexico. In Austria, there is a similar formula for the labour market policy board, where each employers' or workers' organisation has at least two permanent representatives, the quorum being half the members. In the Dominican Republic, the employer and worker members or their deputies on the management board of the central training organisation must be replaced within a specified time-limit in the event of regular absenteeism. In United Kingdom (Bermuda), there is automatic nomination of a new chairman in the event of absence or unavailability.

⁵⁵ In particular, Algeria (though there are still some wilayas which are considered disadvantaged), Canada (Quebec), Egypt, increasingly in France (including the overseas departments and territories), Japan, Morocco, Netherlands, Portugal, Sweden, Tunisia, United States.

⁵⁶ Recently in the United Kingdom, with the new Training for Enterprise Councils (TEC), for planning and co-ordinating training schemes, and in Sweden, where the county and municipal councils play an important role, and local planning committees co-ordinate contacts between schools and business circles. The United Republic of Tanzania also has local human resources committees.

⁵⁷ For example, Belgium, France (which also has an inter-occupational advisory committee), Kenya, Mexico, United Kingdom, United Republic of Tanzania; United Kingdom (Hong Kong).

⁵⁸ See, in particular, ILO: Committee on Employment: Training, retraining and labour mobility, document GB.241/CE/1/2, Nov. 1988, para. 129.

⁵⁹ Including: Bolivia (INFOCAL), Brazil (with the SENAI for industry, the SENAC for trade and services, the SENAR for agriculture), Chile (SENCE), Colombia (SENA), Costa Rica (INA),
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countries,⁶⁰ generally ensures good co-ordination of policies, programmes and activities. In a few countries such as Portugal or Spain or, since 1990, the United Kingdom (in Northern Ireland), a single body is responsible for employment and vocational training. Often such a body has a special statute and legal personality and a fairly broad autonomy, if only so as to be able to recruit personnel at the required level, by offering remuneration which is competitive with the private sector.

91. Although in several cases such bodies also have responsibilities in respect of employment,⁶¹ thus enabling them to ensure the linkage stipulated in Convention No. 142 between guidance, training and employment, they do not always have access to sufficient information or receive sufficiently active support from the social partners to ensure harmonisation.

92. In some cases there has been at least a partial shift away from structures imposed by the State towards structures which function independently. This is the case in particular in the United Kingdom where, as a result of the Industrial Training Act of 1964,⁶² some 30 Industrial Training Boards (ITB) were established for the main branches of economic activity; these were financed by training levies on the wage bill paid by employers. However, in the last few years policy has been to increase the number of Non-Statutory Training Organisations (NSTO), of which there are now over 100 (which may receive subsidies) and to reduce the number of ITBs to seven. The Trades Union Congress (TUC) submitted its observations and the Committee of Experts has examined them in its comments under article 22 of the Constitution on the application of the Convention.

93. Whereas in some countries⁶³ the advisory co-ordinating body focuses mainly on problems of employment, in others operational

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Dominican Republic (INFOTEP), Ecuador (SECAP), Panama (INAFORP), Nicaragua (SINAFORP), Uruguay (COCAP), Venezuela (INCE). For further details, see CENAFOR-CINTERFOR: Formación profesional comparada (Montevideo, CINTERFOR, Informes, 1984, 2 Vol.). It should be noted that most of these organisations were started and are still in operation thanks to a training levy paid by enterprises (see below, Chapter III, section 5).

⁶⁰ For example, Côte d'Ivoire, Cyprus, Guinea, Ireland (which also has a regional structure), Jordan, Morocco, Portugal, Spain, Trinidad and Tobago, Tunisia, United Kingdom. For Asia, see, inter alia, ILO: Rural and urban vocational training, 10th Asian Regional Conference, Jakarta, 1985, Report II, pp. 31 ff.

⁶¹ For example, Portugal or Tunisia.

⁶² Legislative Series 1982-UK 1.

⁶³ Australia, Austria (where a National Employment, Education and Training Agency has recently been established), Brazil, Canada, France (which has a National Vocational Training, Social Promotion and Employment Board), Japan, Portugal, Sweden, Tunisia (which has a National Training and Employment Board); United Kingdom (Gibraltar).

bodies deal simultaneously with guidance, placement and training, as well as consultation with the persons concerned.⁶⁴

(d) Relationship between guidance, training and employment

94. Article 1 of Convention No. 142 requires that Members establish "policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services" and "take due account of - (a) employment needs, opportunities and problems, both regional and national; (b) the stage and level of economic, social and cultural development; and (c) the mutual relationships between human resources development and other economic, social and cultural objectives". Furthermore, Recommendation No. 150 specifies in Paragraph 21 that: "The competent authorities should, in line with national planning and national laws and regulations and after consultation of employers' and workers' organisations, establish national or regional further training plans related to employment."

95. The Committee notes that the in-depth review of the ILO's vocational training programme (1983)⁶⁵ noted the realistic assessment of training needs, on which successful and efficient policy formulation, planning, organisation and implementation of vocational training all hinge, and emphasised that "the improvement of information on the supply as well as the demand for vocational training at all levels was considered to be a field where concerted action by all interested parties was of vital importance for the development of balanced and efficient vocational training approaches".

96. The public employment services are clearly an ideal vantage point from which to monitor the harmonisation of vocational training and employment,⁶⁶ and, as Chapter II will show, they play an active role in vocational guidance in many countries. In this context, the Committee refers to the standards on labour administration, employment policy and employment services mentioned earlier. However, the public employment services rarely have such a placement monopoly that they are informed of all job applications and vacancies: some will escape their attention if only because they appear in newspapers⁶⁷ or in other methods of recruitment for which there is not always an obligation to notify the employment services. Thus the Austrian Congress of Chambers of Workers in its comments has emphasised the importance of reporting all job vacancies in order to provide a better knowledge of the employment situation. This is in keeping with Article 6(c) of the Employment Services Convention, 1948 (No. 88), and Paragraph 25 of the Employment Service Recommendation, 1948 (No. 83).

⁶⁴ For example, the Tripartite Employment and Vocational Training Agency (AEFP) in France (French Polynesia).

⁶⁵ See document GB.224/PFA/10/1, para. 121.

⁶⁶ In the same context, see also Paragraph 12 of the Labour Administration Recommendation, 1978 (No. 158).

⁶⁷ So that in Uruguay the employment services study these advertisements.

Hence also the additional surveys conducted in countries such as Spain (annually), Mexico, the Philippines, Portugal, or the strengthening of contacts with enterprises (Egypt), the attention given to the regions (Japan) and sectors of economic activity (for example, in Argentina or the Netherlands). Several countries⁶⁸ referred to their efforts to link technical and vocational education and training to employment prospects.

97. Information available shows, on the one hand, that in many developing countries structural adjustment and the withdrawal of the State from economic affairs have already had the effect of reducing employment opportunities in the public sector, especially for university graduates (for example, in Madagascar and Morocco). On the other hand, it is proving increasingly necessary to manage uncertainties in an economic context characterised by fluctuations, the rapid development of technology and the demands of competition. It is hardly surprising that there is at the same time talk of a crisis in manpower planning.⁶⁹ Despite these uncertainties, it is essential to plan ahead not only as regards recruitment for enterprises (whence the tendency towards "anticipatory employment management"),⁷⁰ but also concerning the recruitment of teachers and instructors, and the establishment and equipment of training institutions. The Committee notes with interest that, in line with Paragraph 68(b) of Recommendation No. 150, the Inter-African Centre for the Development of Vocational Training (CIADFOR) organised a methodological seminar in 1985 on the analysis of the estimated relationship between training and employment; that the ILO has launched a five-year programme in French-speaking Africa to improve information on the labour market; and that the International Institute of Labour Studies provides advanced courses in the field of statistical surveys of the labour market.⁷¹

98. The relevant provisions of Convention No. 142 and Recommendation No. 150 therefore represent an objective which

⁶⁸ For example, Belize, Equatorial Guinea, and Morocco in its Social and Development Policy Plan, 1988-92.

⁶⁹ See, for example, C. Colclough: How can the manpower planning debate be resolved? (Geneva, ILO, World Employment Programme research working paper No. 33, July 1989).

⁷⁰ A tendency which is gaining ground in Eastern Europe, for example, in Poland and USSR.

⁷¹ The authoritative work is still L. Richter: Training needs assessment and monitoring (Geneva, ILO, 1986). See also Richter: Upgrading labour market information in developing countries: Problems, progress and prospects (Geneva, ILO, 1989); New developments in labour market information in some Asian countries (Geneva, ILO, 1981), Information sur l'emploi et la main-d'oeuvre dans les pays africains d'expression française - guide de formation des cadres compiled in collaboration with DANIDA (Geneva, ILO, 1989) and C. Moura Castro and A. Cabral de Andrade: "Supply and demand mismatches in training: Can anything be done?", in International Labour Review, No. 3/1990, pp. 349-369.

countries should aim to achieve.⁷² Continuing or permanent lifelong training - in particular upgrading training - is especially important at present, since, as pointed out earlier, it enables initial errors of guidance or planning to be corrected and adaptations to increasingly rapid change to be made.

99. There are better means of adapting the types of training provided to employment needs and prospects. Thus, many countries not only frequently update but also reclassify their lists of recognised occupations, especially occupation with apprenticeships.⁷³ More and more countries are emphasising the importance of broad and sound basic training⁷⁴ which allows for adjustment, updating and retraining and in general enhances versatility⁷⁵ and mobility.

100. Apprenticeship systems, if properly organised and supervised so that they do not provide a source of cheap labour, can act as a

⁷² Thus, in Australia, Act No. 88 of 1988 created a National Employment, Education and Training Office with four specialised advisory boards. In Cyprus and the United Kingdom, the training agency is in contact with the employment services and, in the United Kingdom, a National Training Task Force (NTTF) was set up in 1989 to advise the Employment Secretary. It is also significant that employment or manpower services play a major role in vocational guidance (see Chapter II below), and sometimes also in co-ordinating and implementing vocational training programmes (for example, Brazil, Canada, Egypt, Japan with its Employment Security Bureau). In the United Kingdom, the Trades Union Congress (TUC) has even expressed fears in recent years that the employment services were concentrating almost exclusively on the adult unemployed. Various countries possess a central body dealing with both employment and training (e.g. Portugal and Spain, and one in the planning stage in the United Kingdom (Gibraltar)), and even vocational training (the FAS in Ireland among others). In Turkey, a special organisation has been established by the department responsible for planning to co-ordinate employment and vocational education. In Denmark, the local employment services are represented on the board of every training school for semi-skilled workers. In Yugoslavia, "employment communities", which also deal with vocational guidance, and training and retraining bodies for the unemployed are trying to balance employment supply and demand.

⁷³ As, for example, in Germany or Canada (where the national standard classification of occupations has shrunk from 7,000 to about 500 categories). In Hungary there has been a debate between those who wish to avoid excessive specialisation in the schools and those who complain that enterprises are not getting workers who are prepared for the job. It should be noted that although the new completely revised edition of the International Standard Classification of Occupations still has a considerable number of headings, it can facilitate grouping and grading by level and type of training.

⁷⁴ For example, Germany, Netherlands, Switzerland.

⁷⁵ In Eastern Europe, for example, it has for many years been common practice to learn a second related trade, which in Austria may involve an additional apprenticeship examination. Laws and

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self-regulating market mechanism. More generally, employers' and workers' organisations or other bodies can, in the course of consultation, or even in their training and guidance activities, constitute powerful corrective and regulatory mechanisms, not least thanks to the use of training levies. Furthermore, evaluations such as follow-up or cohort studies on the progress of persons who have received training, as well as other types of research which will be discussed later, can be extremely useful in harmonising guidance, training and employment.

(e) The role of the social partners⁷⁶
and other interested bodies

101. Article 5 of Convention No. 142 stipulates that: "Policies and programmes of vocational guidance and vocational training shall be formulated and implemented in co-operation with employers' and workers' organisations and, as appropriate and in accordance with national law and practice, with other interested bodies." Various suggestions as to the forms such co-operation might take are contained in Paragraphs 4(5), 19(2), 22 and 29(2) of Recommendation No. 150. The Committee also notes that the plan of action for training, retraining and labour mobility submitted to the ILO Governing Body at its November 1989 session⁷⁷ contains useful guide-lines in this respect, in conformity with the standards.

102. As was borne out by the in-depth review of the ILO's vocational training programme, 1983,⁷⁸ "on the whole, the trend is towards an increased tripartite participation in training needs assessment, policy formulation, organisation, implementation and evaluation".

103. Apart from the role, referred to earlier, that can be played by collective and other agreements concluded at national, regional, local, sectoral or enterprise levels, co-operation within the meaning of the instruments is not limited to mere consultation in the formulation of programmes and policies but extends also to their implementation.

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regulations, such as have been adopted in France, allow for successive apprenticeships or even traineeships or placements in several different enterprises.

⁷⁶ With regard to the European Community member States, see also CEDEFOP: Employees' organisations and their contribution to the development of vocational training policy in the European Community (Luxembourg, 1988); Employers' organisations - Their involvement in the development of a European vocational training policy, 1987; The social dialogue in the member States of the European Community in the field of vocational training and continuing training - Synthesis report (Berlin, 1988).

⁷⁷ Document GB.244/CE/1/1.

⁷⁸ Document GB.224/PFA/10/1, op. cit., para. 133.

(i) Consultation

104. On the whole, in the States which have ratified the Convention and in several of those which have not yet, most of the above-mentioned bodies have a tripartite structure, be they national, regional, local⁷⁹ or sectoral boards or agencies. They include bodies responsible for employment and have an influence on vocational education and those that deal with vocational guidance.⁸⁰ The Committee referred earlier to the problems encountered and the various solutions found to increase the effectiveness of consultation and the involvement of the social partners.

105. In this respect, the Committee notes, or recalls, comments from workers' organisations criticising the narrow scope of the consultation procedures. Thus, in Finland, the employers' confederations STK and LTK have pointed out on several occasions that, in view of the tradition of training in the country's public schools, civil servants tended to make decisions with very little real consultation, whereas the Finnish Trade Union Confederation has complained of the poor level of co-operation within the vocational guidance board. The Fiji Trade Union Congress (FTUC) has stated that, despite their representation on the Fiji National Training Council (FNTC), the workers have had scarcely any say in the formulation of most of the Government's and employers' training programmes. The Ceylon Workers' Congress of Sri Lanka has complained of the absence of tripartite mechanisms for consultation. As the Committee has already had occasion to note, the Trades Union Congress (TUC) in the United Kingdom has over the last few years been criticising the type of member appointed to the various bodies, whereas the Government stresses that these appointments were made after appropriate consultations.

106. It is also quite usual for central training bodies, such as those to be found in most Latin American countries, to have a tripartite board of directors. Furthermore, many educational or training establishments have a board or committee, sometimes called the further training committee, consisting of representatives not only of the teachers but also of local businesses and even workers' organisations,⁸¹ parent-teachers associations⁸² and, more and more often, the pupils themselves,⁸³ as well as other associations or

⁷⁹ For example, Sweden.

⁸⁰ For example, Cyprus, where the employment service and the parents' associations are also represented.

⁸¹ For example, Austria, Cyprus, Jordan, Norway, Switzerland.

⁸² The Constitution of Spain guarantees the right of parents to participate in supervising the management of all educational establishments supported by public funds. In the Philippines, the family and youth organisation is represented on the National Manpower and Youth Council (NMYC). Legislation in Switzerland emphasises the role of parents in supporting vocational training.

⁸³ For example, France and Sweden.

organisations.⁸⁴ Occasionally, small and medium-sized enterprises are specifically represented (as in the case of the National Council on Vocational Education established by the Carl D. Perkins Act of 1984 in the United States or the small industry representation on the central training organisation in Panama - INAFORP - and the National Vocational Training and Employment Board in Tunisia).

107. The review of the ILO's vocational training programme observed that, on the whole, "employers' and workers' representatives in many developing countries are striving to become equal partners with governments in vocational training matters" (paragraph 73). This tripartite approach is likely to take on greater importance in the training for redeployment programmes made necessary as a result of structural adjustment policies. In certain cases, the creation of joint consultative committees is encouraged, through subsidies among other things, to ease these adjustment measures for enterprises and their personnel.⁸⁵

108. It should further be noted that in most countries employers' and workers' organisations are consulted before the laws and enforcement regulations are discussed and adopted, and that, frequently, consultation with these organisations, usually in connection with the use of training levies imposed, provides them with an opportunity to influence both the formulation and the implementation of training policies and programmes.

109. Bearing in mind the provisions of Paragraphs 4(5), 19(2) and 22 of Recommendation No. 150, it is worth considering the general consultative and supervisory, but sometimes co-determining, role played in vocational training and, in some cases, retraining schemes or programmes in several countries by such bodies as works councils or works committees (whether joint - involving management representatives - or otherwise) and other staff representatives (union delegates, shop stewards, etc.).⁸⁶ Such a role exists, for example, in Germany and the Netherlands (where vocational training is subject to the right of co-determination), in Austria, Belgium (especially in supervision), in Denmark, France (where all enterprises with at least 200 employees are obliged to have a training committee to study training needs), in Gabon, India, Japan, Luxembourg, Mauritania, Mexico (where there are courses and seminars for the worker members of the works training committees), Morocco (for further training), Norway, Spain, the

⁸⁴ In Algeria, the governing board of the National Vocational Training Centre for Physically Disabled Persons includes, among others, representatives of the National Union of Algerian Farmers, the National Algerian Women's Union and the Federation of Parents of Disabled Children. In Germany, it is not only the employers' and workers' organisations and the public authorities that are represented at various levels in the further training action project launched towards the end of 1987, but also the churches and the adult education establishments.

⁸⁵ As in Canada, where the Industrial Adjustment Service may subsidise the joint union/management committees to the amount of up to 50 per cent.

⁸⁶ For example, Algeria and Guinea.

United Republic of Tanzania and Zaire. In the countries of Central and Eastern Europe, the union works committee is responsible for training and further training. With the greater autonomy allowed to enterprises in the USSR, the responsibility of management, in particular as regards the continuing training of personnel, is on the increase. The Byelorussian SSR has referred to the possibility of establishing a vocational and economic training council in enterprises, on an optional basis. In Australia, a resolution adopted in September 1989 by the Australian Council of Trade Unions (ACTU) advocated the creation of committees to prepare training schemes at both enterprise and sectoral levels.

(ii) Co-operation in the implementation of programmes and policies

110. The role of the social partners is important in this respect. Apart from the fact that employers can themselves provide initial training, further training and retraining (large enterprises having their own schools or training centres, while smaller enterprises train apprentices), the influence of the occupational organisations⁸⁷ is considerable in a number of countries. This is true, for example, of the chambers of industry and commerce, chambers of craft industries, as well as the chambers of agriculture in Germany or in France. They are also entrusted in some cases with the formulation of training programmes and standards as well as the organisation of examinations.⁸⁸ One of the functions assigned to the chambers of commerce and industry in Romania by Legislative Decree No. 139 of 1990 is the promotion of vocational training.

111. In the Netherlands, this work is in principle divided between the State, which deals mainly with the training of the unemployed, and the social partners, who are involved in the training of workers already in employment, although, in practice, the two co-operate on these different programmes. In several countries, such as Austria, France, Italy, Singapore (as regards computer science), the United Kingdom, and the United States, certain types of vocational training are provided by workers' organisations in addition to trade union training and workers' education in the strict sense of the term.

112. Many non-governmental organisations (NGOs), are active in the training field, particularly in developing countries, where they run private schools or training centres, in some cases for the rehabilitation of disabled persons.

⁸⁷ In Belgium, various employers' organisations; and, in many other countries, employers' organisations in the construction industry and inter-enterprise organisations representing small and medium-sized enterprises.

⁸⁸ For example, in Switzerland, where the employers' and workers' associations also organise introductory courses for apprentices and co-operate actively in the compilation of methodological guides.

(f) The role of research and periodic reviews of policies and programmes

113. Recommendation No. 150 contains a number of provisions in this respect (see, in particular, Paragraphs 5(2)(j), 6(c), 68, 70(c), 72(b) and (e) and 73), which can be considered suggestions as to the best means of implementing the instruments in question.

114. A number of member States have referred to research work or research institutions:⁸⁹ some of these focus on needs assessment⁹⁰ or vocational guidance.⁹¹ Others are more general and concentrate on education and training,⁹² sometimes with follow-up or cohort studies to evaluate the results of the courses conducted, the programmes or the institutions. In several Latin American countries, the central training organisation conducts research either independently or in co-operation with the competent authorities.⁹³ Some of the many research programmes carried out in Brazil concern the results of tax-deductible training courses, courses provided by mobile training units and modular training, in the informal sector. Various organisations that include consultancy among their other activities can also provide a useful vantage point.

115. In the Netherlands, it is envisaged that new developments in vocational training submitted to Parliament four years after the adoption of the new legislation on employment will be evaluated.

116. Other countries⁹⁴ stressed that their programmes were periodically, even continually, reviewed and updated, as were the lists of occupations with apprenticeships.

⁸⁹ See CEDEFOP: Promotion of co-operation amongst research and development organisations in the field of vocational training: Working papers, 13-14 Sep. 1988 (Luxembourg), 1989.

⁹⁰ For example, Australia (Western Australia), Austria, Cyprus, Ireland.

⁹¹ For example, Egypt, Italy (in connection with classifications, in particular), Poland, Sweden.

⁹² For example, Australia (where the National Research Centre is financed on an equal basis by the federal Government and the states and territories), Belgium and Netherlands (in particular, surveys on the results of training schemes for the unemployed), Czechoslovakia, Egypt, France (including research on skills and qualifications), Germany (concerning, in particular, the implications of new technologies and the active participation of the social partners), Japan (with the assistance of the national and regional human resources development associations), Mauritius, Mexico, Norway, Spain, Sweden, Switzerland (including agriculture), Turkey, United Kingdom (including subcontracting in the case of jobs for which employers have difficulty in recruiting applicants), United States, Uruguay.

⁹³ For example, Argentina, Colombia, Dominican Republic, Panama, Uruguay (in both public and private institutions).

⁹⁴ For example, Argentina, Australia (various states, such as Victoria), Austria, Denmark, Egypt, Ireland, Malaysia, Switzerland.

117. Several countries have emphasised the overall importance that they attach to information and documentation, not only in the field of vocational guidance. In Australia, the states of Queensland and Victoria have built up data banks. In France, the social partners have collaborated in the establishment of an information centre which makes considerable use of telecommunications and information technology. Mexico and Panama have also mentioned an information and documentation centre.

118. In general, reference was made earlier in this report to the authorities and bodies responsible for co-ordination, the various types of legislative or administrative measures and the co-operation of employers' and workers' organisations, which demonstrate the effect that can be given to Parts XI to XIII of Recommendation No. 150. Research and assessment (even when based on incomplete data), which have just been discussed, and supervision of implementation, which will be dealt with below, make it possible to direct the necessary improvements and adjustments. The foregoing can be illustrated by several concrete examples. Some programmes in Germany give ample freedom to the local officials to choose subjects and training institutions. Subsequently, however, these officials are evaluated on the basis of the number of trainees who obtain stable work after the course. In the United States (California) schools and enterprises are reimbursed the cost of training only for those trainees who are still employed 90 days after the end of the course.⁹⁵ In Rwanda, a national committee of inquiry a few years ago revealed various abuses in private fee-charging training establishments.

Section 2. Implementation of objectives

119. Article 2 of Convention No. 142 stipulates that: "With the above ends in view, each Member shall establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it." Recommendation No. 150 specifies in Paragraph 15(2)(d) that special attention should be paid to "effectively co-ordinating general education and vocational training, theoretical and practical instruction and initial and further training".

120. In the comments which follow, the Committee will focus on this open, flexible and complementary aspect as well as the improvements that might be made in the systems under consideration. It is, in fact, scarcely possible to give an overall view of the diversity of the general education systems or the activities conducted within the school system on the basis of the information received from the member States under article 22 and article 19 of the ILO

⁹⁵ See document GB.241/CE/1/2, op. cit., para. 24. For evaluation in Asia, see ILO-APSDEP: APSDEP/ILO/JAPAN Workshop on Planning, Programming and Evaluating Vocational Training, Chiba, 1986 (Islamabad, 1986).

Constitution. For further information on this subject see recent comparative studies published elsewhere, in particular by UNESCO.⁹⁶

(a) Open systems

121. The attainment of this objective presupposes that appropriate steps have been taken to make the various systems accessible to the greatest possible number of persons possessing the requisite aptitudes or knowledge. Hence the importance of scholarships and other financial assistance (such as travel allowances, as in Australia for example, or meal and accommodation allowances or boarding facilities, examples of which are to be found in many countries) as well as facilities for persons with family responsibilities (day nurseries, etc.) and employed persons (evening classes and various forms of distance learning which will be discussed later). Accessibility is not merely a matter of geographical siting of educational and training establishments or even of financial assistance. It also includes means of facilitating the attainment of certain levels, even at a later age, (for example the alternative means of access to university studies in Germany or the special examination in France for those who have not obtained a secondary-school diploma) or "bridging training", easing the transition from one field to another by means of support, upgrading or remedial educational or training measures. This is especially worthwhile, inasmuch as in many countries technical and vocational education or vocational training at the basic or intermediate levels are often seen as a last resort, probably because of the traditional image of manual labour. It also provides an opportunity of remedying faulty initial guidance and of better adapting to change, for example in the context of permanent or continuing training referred to in Article 4 of the Convention.

⁹⁶ In addition to the numerous UNESCO publications, such as The International Yearbook of Education (compiled by the International Bureau of Education), and those of its Bangkok Regional Office (R.R. Singh: Education in Asia and the Pacific, retrospect, prospect, 1986, or its review Education in Asia and the Pacific); World Bank: Education in sub-Saharan Africa: Policies for adjustment, revitalisation and expansion (Washington, DC, 1988); C. Kayser and K. Schaack (Publishers): Principes et problèmes du développement de systèmes nationaux de formation professionnelle en Afrique "francophone" - international seminar (Mannheim, Feldafing, Munich, Bonn, German Foundation for International Development - Centre for Occupational Promotion, 1983); A. Cabral de Andrade: Coordinación del sistema formal de educación con el de formación profesional en países de América latina (Montevideo, OEA-CINTERFOR, estudios y monografías, No. 34, 1978); V. Corvalán: "Trends in technical-vocational and secondary education in Latin America", International Journal of Educational Development (Oxford), Vol. 8, No. 2, 1988, pp. 73-98; J.M. Leclerc and C. Rault: Les systèmes éducatifs en Europe - vers un espace communautaire (Paris, La documentation française, notes et études documentaires, 1990).

(b) Flexible and complementary systems

122. The importance of achieving this objective is closely related to the foregoing. Complementarity is suggested in general terms in Paragraph 15(2)(d) of Recommendation No. 150 quoted above. Evidence of this complementarity, in conformity with the subparagraphs (d) and (g) of Paragraph 5(2) of the Recommendation, can be seen in the bridging training mentioned earlier. This is the case, for example, in Norway, where a technician's certificate from a technical school opens the way to engineering school or university, or in Portugal, where equivalence has been accorded to a number of vocational training diplomas in the case of skilled workers. Turkey has also referred to its efforts to ease the transition from one educational or training system to another.

123. Flexibility can take a variety of forms. Various countries, such as Switzerland, allow persons other than apprentices to sit the final apprenticeship examinations on condition that they have worked in the trade or occupation concerned for a specified minimum period.

124. However, perhaps the most characteristic aspects of the present situation which seem likely to become considerably more widespread in the years to come, are, on the one hand, training by modules or cumulative credits,⁹⁷ along the lines of Paragraph 16 of Recommendation No. 150, which allows for a personalised training process and is generally formalised by what are often called intermediate examinations, unfortunately not yet recognised in collective agreements, and, on the other hand, distance learning or mobile training units.⁹⁸ One might refer to Paragraph 17(2) of Recommendation No. 150, according to which "in the provision of training, advantage should be taken, as appropriate, of mass media,

⁹⁷ The following countries reported increased recourse to these systems: Australia (e.g. in the Northern Territory), Brazil, Canada (in particular for the training of vocational guidance counsellors), Colombia, Cyprus, Denmark, France, Guyana, Ireland, Japan (especially for people who wish to or have to change their occupation), Jordan, Kenya, Luxembourg, Mexico (e.g. for small and medium-sized enterprises and occupational health and safety), Netherlands, Nicaragua, Portugal, Spain, Sweden (especially for further training), Switzerland, United Kingdom (for the training of technicians, for new technologies, or for ethnic minorities, and, in Scotland, for adults). Modules of employable skills (MES) have long been one of the major components of ILO technical co-operation. For further details, see document. GB.224/PFA/10/2, paras. 58-61.

⁹⁸ These mobile workshops may be vans equipped with audiovisual aids, projectors etc. (but fuel is often very expensive and vehicle spare parts in short supply), training centres which can be dismantled and reassembled, even workshops on boats or barges such as those used in Brazil. Several other countries have indicated that they used mobile units (e.g. Spain and Uruguay). One country (the Dominican Republic) stated that it had itinerant instructors; another (Nicaragua) had itinerant courses in agriculture and livestock husbandry, as well as in the setting up of co-operatives.

mobile units, and correspondence courses and other self-instruction programmes." Several examples can illustrate how this provision has been implemented.⁹⁹

125. The available information on modern telecommunications and computer technology suggests that they should greatly increase training opportunities and ensure maximum flexibility, often at the level of the individual student, already widely available through programmed teaching, e.g. set books; learning by radio or television¹⁰⁰ (possibly closed-circuit or satellite television); other audio-visual aids, computer-assisted learning;¹⁰¹ microcomputers;¹⁰² soon perhaps with compact discs or what are known as interactive video discs. Distance learning can be used in small and medium-sized enterprises and for management training.¹⁰³

126. A form of flexibility and complementarity which does not always appear to have produced the desired results is vocational teaching in schools, including the introduction of various career-oriented course subjects¹⁰⁴ towards the end of compulsory

⁹⁹ Correspondence courses appear to be particularly advanced in some countries, such as Cuba, France, Hungary, Japan, Norway, Poland, Sweden (especially for adults in rural areas and for new sectors of economic activity), Tunisia (for further training in certain skills), United States, USSR. One NGO (INADES-Formation) has organised rural training courses mainly by correspondence in ten African countries. In Germany, there is an Act of 24 August 1976 on the protection of tele-education and a central organisation in Cologne for the approval and supervision of correspondence courses, an open university, over 100 private distance learning institutions (especially for adult education, with a view to the secondary school certificate - Abitur). Some countries, such as Algeria, France, Germany, Ireland (especially for management training and proficiency courses) and Portugal, have large national distance learning institutions.

¹⁰⁰ For example, Colombia (e.g. for regions with scattered populations), India (even to villages, by satellite), Mexico (for rural areas), Norway, Pakistan, Poland (mainly for farmers, but also by radio for foremen), Portugal (for adult education, especially in rural areas), Thailand (for university courses), United Kingdom.

¹⁰¹ For example, Norway and United States.

¹⁰² For example, Australia (New South Wales).

¹⁰³ For example, United Kingdom (Hong Kong) outside working hours. See also: I. Day and J. Harrison: Distance learning and training for small firms: The United Kingdom experience (Berlin, CEDEFOP, 1988).

¹⁰⁴ For example, in Algeria, where an attempt has been made to develop the teaching of science and technology at elementary school level.

schooling or secondary education.¹⁰⁵ Far too often, especially in the developing countries,¹⁰⁶ this has been no more than a superficial preparation, with instruction or training provided by personnel without the necessary knowledge and experience. It also appears that the demand has been above all for administrative posts, or that these career-oriented courses have had little bearing on the real needs of the labour market.

127. For those who have not had appropriate systematic training before entry into employment, the transition from school to working life is a problem that countries are increasingly trying to address.¹⁰⁷ This general survey will deal later with programmes which combine practical training on the job with instruction in a school or centre, including apprenticeship. Though systematically organised in Austria, Germany and Switzerland, such programmes may be difficult to adapt to developing countries, largely because employers are often reluctant to release their apprentices once a week or once a month throughout the period of instruction.

128. The special problems raised by apprenticeship and training policies and practice in respect of the informal sector will be examined in Chapter IV below.

¹⁰⁵ Argentina and Brazil; in Australia, with the subsidised Australian Traineeship System (ATS), involving a 12-month course, including 13 weeks in the enterprise; United Kingdom. See also A.O. Urevbu: "Vocationalising the secondary school curriculum: The African experience", Revue internationale de pedagogie/International review of education (Hamburg), Vol. 34, No. 2, 1988, pp. 258-270.

¹⁰⁶ In Kenya, efforts have even been made to teach primary schoolchildren how to purify water, make compost, construct and use "improved homes", diagnose cattle diseases, etc., in addition to lessons on child care, dietetics and dressmaking.

¹⁰⁷ A round table was recently held in Belgium to discuss ways of improving the information of young people, to facilitate the transition from school to working life, especially in the case of unskilled young workers. Other formulas were also mentioned, e.g. in Czechoslovakia, assigning workers recently hired by an enterprise to complex projects to be carried out in groups or by individuals under supervision. Israel mentioned visits to enterprises, Portugal practical training periods in co-operation with an establishment offering correspondence courses. In Poland, directives have been issued on the question of adapting young people to work (among other things, by informing them about remuneration, leave and other social benefits, occupational health and safety rules, possibly using manuals). In the Ukrainian SSR, some enterprises keep records on the adaptation and progress of young workers, by means of cards which list their career background, skill level, remuneration, productivity assessment and the adaptation measures used.

(c) Development of systems through research and in the light of the results of supervision and inspections

129. In addition to the usefulness of research and documentation, it should be pointed out that the results of supervision and inspections can contribute to improving systems of human resources development. This is largely the responsibility of the labour inspectorate in France and in a number of French-speaking African countries, and of the central training body in many Latin American countries.¹⁰⁸ In Cyprus, the Bureau of Apprenticeships appoints inspectors to monitor the progress of apprentices and to assist their instructors in enterprises and technical schools. In Switzerland, apprenticeship committees, on which representatives of the employers' and workers' organisations are particularly active, play a very important supervisory role.

130. Most countries have a special supervisory body for establishments that come under the jurisdiction of the ministry for education, in some cases including higher educational establishments. Sometimes, as in Portugal, apprenticeship is supervised by the relevant departments of the ministry for education and the ministry for employment. In several cases, assessments carried out before, during and after the subsidised training courses can also provide a useful basis for evaluation.

(d) Implementation by well-trained staff¹⁰⁹

131. There is a certain diversity among countries. The staff in question may be teachers of general theoretical or technical subjects, instructors and other practical training staff, or administrators of training institutions and, of course, guidance counsellors. A university degree¹¹⁰ is usually required of teachers, often accompanied by a teacher's training qualification. The training of other trainers is generally shorter and is sometimes provided by the enterprise where they work, by the adult vocational training body, as in France, or by the chambers of industry and commerce or the chambers of small trades and crafts. In Switzerland, apprenticeship masters attend special courses. In Germany, the qualifications required of

¹⁰⁸ For example, Chile and Uruguay, but also other countries, such as Mauritius or Tunisia (in addition to labour inspectorate visits in this case).

¹⁰⁹ See Paragraphs 61-67 of Recommendation No. 150.

¹¹⁰ Thus in Luxembourg, teachers of technical subjects must possess a university degree or equivalent, have at least three years' practical experience, and pass a qualifying examination. In United Kingdom (Hong Kong), teachers of technical subjects who have studied these subjects in secondary school are specially trained on a three-year full-time training course, while special short courses are provided for instructors working with disabled persons or in industry.

trainers are set forth in ordinances, and their training programmes are periodically updated.¹¹¹

132. Some countries¹¹² have made provision for a special institution for the training of trainers, which also conducts research and, in some cases, trains administrators of training establishments¹¹³ while in others, in particular in Latin America,¹¹⁴ these activities are included in the responsibilities of the central vocational training body. In the United Kingdom, there are training colleges for instructors and a network of centres for Youth Training Scheme (YTS) instructors, as well as for YTS administrators.

133. It is not unusual either for such means of communication as radio and television to be used to improve or update the knowledge of staff.¹¹⁵ There is an increasing tendency these days for enterprises to organise periodical courses and meetings for trainers,¹¹⁶ in order to keep them abreast of new techniques and other aspects of the world of work. There is also a growing demand, in universities as well as other establishments, for part-time teachers who work in the industry or occupation; and there are retraining-for-redeployment courses such as those designed to teach electronics to mechanical engineering instructors.¹¹⁷

¹¹¹ See also R. von Gilardi and W. Schulz: In-firm trainers of young people in the framework of the dual vocational training system of the Federal Republic of Germany (Berlin, CEDEFOP, 1989).

¹¹² For example, Ecuador, Germany, Japan, Malaysia, Switzerland (where the further training of vocational training instructors is compulsory under federal law). The Bolivian Education Code contains similar provisions.

¹¹³ For example, Argentina, Ecuador and Mexico (with ILO co-operation) have reported a special effort to train such administrators.

¹¹⁴ For example, Nicaragua and Uruguay, as well as Cyprus, where enterprises provide training and further training courses for their instructors; and Algeria, where the National Vocational Training Institute deals mainly with the further training and retraining of vocational teachers, vocational training inspectors and the management staff of vocational training establishments, while the National Institute for the Promotion and Development of On-the-job Vocational Training and Apprenticeship concentrates on the training of on-the-job training instructors.

¹¹⁵ In Poland, for example, where a radio-televised university was set up for the further training of instructors (NURT), at the same time making families and the public at large more aware of education issues.

¹¹⁶ This has become a systematic policy in the United Kingdom, in particular, where one-tenth of the teaching staff is seconded to industry for two weeks each year.

¹¹⁷ United Kingdom.

134. Several countries have mentioned the difficulty of recruiting vocational training instructors or supervisors because of the relatively low salaries offered.¹¹⁸ Their salaries are in fact often aligned with those of the public service but without the additional benefits accruing in the latter: hence the formula, referred to earlier, aimed at establishing autonomous bodies.

135. The chapter on technical co-operation will deal with the training and further training of instructors and administrators of vocational training institutions provided by the ILO's International Training Centre in Turin, for nationals from developing countries, where the needs are great.

136. The training and further training of persons giving vocational guidance, referred to in Paragraph 62 of Recommendation No. 150, will be dealt with in the following chapter, which examines the whole issue of educational and vocational guidance.

¹¹⁸ Mauritius, Norway (which concluded an agreement in this respect early in 1989), and Poland (see Vocational training (Berlin, CEDEFOP), No. 2/89).

CHAPTER II

VOCATIONAL GUIDANCE

137. The provisions dealing directly with vocational guidance are contained in Article 3 of Convention No. 142 and Paragraphs 7 to 14 of Recommendation No. 150. Articles 1, 2 and 5 of the Convention, and Part I (Paragraphs 1 to 3), Part II (Paragraphs 4 to 6) and Parts VI to XIV (Paragraphs 32 to 76) of the Recommendation contain common provisions concerning vocational guidance and vocational training. Government reports do not cover all the issues raised by these two standards. Six aspects inherent in vocational guidance are touched upon or outlined in detail in national analyses. These are: bodies concerned with guidance,¹ groups targeted by guidance programmes,² the scope of guidance, i.e. the subjects covered by guidance,³ application of the principle of participatory guidance,⁴ guidance methods⁵ and, lastly, training of persons giving vocational guidance.⁶ These aspects will be examined separately in each of the sections of this chapter. They are preceded by an introductory section containing general remarks concerning the application of the provisions. These remarks are not based on precise statements contained in national reports but are the result of comparisons made after examining all of the reports.

Section 1. General remarks

138. The reports show a considerable degree of uniformity in their definitions of the concept and general objectives of vocational guidance. With a few exceptions, such as that which wrongly equates the concept of guidance simply with the practice of selection of candidates, the contents and aims of guidance are those laid down in the ILO standards. The Committee sees this as a first indication of

¹ Part XII of the Recommendation.

² Article 3(1) of the Convention; Paragraph 8(1)(a) to (d), Paragraphs 9, 10(2), 11, and 32 to 60 of the Recommendation.

³ Article 3(2) and (3) of the Convention; Paragraph 7(1) and (2), Paragraphs 9, 10, 11, 36(1)(a), 39, 50(1)(b)(i) and (iii), 53(3), 54(2)(b) of the Recommendation.

⁴ Article 5 of the Convention; Paragraphs 50(1)(d), 53(3) and 54(2)(a) of the Recommendation.

⁵ Paragraphs 4(3), 5(2)(j), 10, 12 to 14, 50(2) and 53(2) of the Recommendation.

⁶ Part X of the Recommendation.

the influence of the 1975 standards on national practice, and even of their forerunner of 1949 (the Vocational Guidance Recommendation (No. 87)).

139. In the developing countries, vocational guidance appears to be viewed as a public service which is useful but not indispensable. Few of them have allocated the necessary means to set up a service comparable to that described by the 1975 standards. In most cases guidance is a minor appendage to the major priority objectives, education or vocational training; it is much rarer for guidance to be included in the vocational sphere, strictly speaking. In this respect, it is likely that despite their flexible wording and promotional intent, the provisions of the Convention which concern vocational guidance have been considered too remote from the practice in developing countries and have therefore been an obstacle to wider ratification. The gap between the industrialised and the developing countries which one could well imagine existed in 1949, when Recommendation No. 87 was adopted, has no doubt become even wider since. The fact that vocational guidance and information lend themselves to computerisation and processing via telecommunications has significantly contributed to a widening of the gap between practices in the industrialised and in the developing countries.

Section 2. Bodies concerned with guidance and co-ordination

140. Historically, guidance was first a matter of interest for schools and then spread to the world of work. In the vast majority of countries where it is not limited to the educational sphere, guidance is still a shared concern falling within the competence of the ministry of education and the ministry of labour. In order to avoid the risk of overlap or conflict between these two authorities, certain countries have set up inter-ministerial co-ordination structures. Thus, Spain has a General Council of Vocational Training consisting of commissions, one of which (the Vocational Guidance Commission) is specifically concerned with harmonising and co-ordinating activities in this area; at the same time, professional guidance staff (psychologists, physiologists, social workers and information officers) from both educational and professional backgrounds have set up a co-ordinating commission of professional vocational guidance staff. In 1979 the USSR established a National Co-ordinating Council for Vocational Guidance, strengthened since February 1990 by a National Vocational Guidance Centre. An Association for Educational and Vocational Guidance has been set up in Switzerland with private status but state-approved. In Finland, representatives of the Ministries of Employment and of Education are grouped together in a national Vocational Guidance Council (with councils at the regional level). A similar council has been set up in Hungary. In some cases one of the two competent ministries is made responsible for co-ordination. In Argentina and Chile, for example, this role is assigned to the respective ministry of labour. In Poland co-ordination takes place among three ministries - those for education, labour and health, the last of which deals with the

rehabilitation and retraining of disabled workers. In many cases,⁷ co-ordination also takes place at the operational level, educational and vocational guidance staff verifying and complementing their respective activities in working groups set up at different levels.

141. Co-ordination between educational guidance and vocational guidance would appear to be all the more important for certain ages (16 to 18 years), where the same population groups are addressed by guidance staff of two ministries, and because in any case vocational guidance follows on from educational guidance. The main difficulty in such co-ordination (which virtually all governments recognise as necessary) lies in the discrepancies in the length, orientation and content of the training given to staff engaged in educational and vocational guidance respectively.

Section 3. Groups targeted by guidance programmes

142. Unlike education, which is recognised in many countries as a right for everyone, guidance is only provided to certain target groups chosen by the responsible authorities as meriting particular social protection or priority treatment. When guidance is provided as part of the school curriculum by members of the permanent teaching staff, it can reach a large part of the school-going population. In Denmark, for example, which has made a special ten-year effort to increase the number of guidance staff from a few hundred to 5,000 (consisting of teachers-advisers and guidance staff of employment offices, backed up by part-time consultants), 80 per cent of school pupils benefit from guidance programmes.

143. Vocational guidance in the strict sense is in most cases defined and organised to meet the needs of particular groups. Thus, specific guidance programmes are targeted at young persons from broken families or disadvantaged minorities in Denmark and the United States; the long-term unemployed in Australia, Belgium, the Netherlands, the United Kingdom and France, where special methods of vocational assessment and follow-up for such persons have been designed; workers in need of vocational rehabilitation following illness or an accident in Brazil; workers belonging to linguistic minorities in Canada, Norway and Sweden; and graduates of higher education in Japan.

144. In nearly all the industrialised countries, there are special guidance programmes for disabled workers. The programmes are generally accompanied by medical examinations to assess physical rehabilitation needs and canvassing in enterprises to ensure compliance with any existing provisions laying down quotas for the employment of such workers.

145. In 1990, the USSR and a number of central European countries, including Hungary and Poland, organised guidance programmes for workers affected by industrial restructuring and privatisation. Earlier, many countries⁸ designed measures to assist the

⁷ For example, Norway, Sweden.

⁸ For example, Belgium, France, Sweden, United Kingdom.

redeployment of workers belonging to sectors of industry in difficulty or facing heavy cutbacks in staff numbers; in the context of such measures, guidance was an essential stage workers had to go through before beginning vocational retraining courses.

146. Since 1985, the rapid emergence of computer technology and new communications technologies in guidance has made it possible to introduce self-service and to extend vocational information programmes to a broader public.

Section 4. Scope of vocational guidance, including continuing employment information

147. In the vast majority of industrialised countries, guidance, whether educational or strictly vocational, is aimed at assisting individuals in their choice of a job. Guidance consists of two parts: an assessment of individual inclinations and aptitudes, and the provision of objective information. Objective information (also known as vocational information) covers four subjects: a description of the characteristics and contents of a given occupation, the conditions of employment involved (wages, hours of work, career, risks), the training leading to qualification for the occupation, and the market situation as regards the occupation (current shortages and surpluses, foreseeable trends in supply and demand, and location of supply and demand).

148. There are some variations in this standard outline of the contents of vocational guidance, which is still widely applied. In their efforts to help the long-term unemployed re-enter employment, Belgium and France, for example, have adapted the contents of guidance, replacing the assessment of workers' preferences and aptitudes by an evaluation of behavioural traits making them unsuitable to the discipline of a work environment, or of existing aptitudes and skills which can serve as a basis for acquiring new skills enabling them to engage in new occupations. Other industrialised countries⁹ emphasise the workers' direct participation in their own reintegration and have expanded the contents of guidance to include practical training in job-seeking methods, interview techniques, preparation of curriculum vitae, etc. A small number of developing countries, such as India and the Philippines, have decided that guidance should no longer be limited to job content or choice of occupation, but should also include assistance in setting up micro-enterprises and the promotion of self-employment. In Cyprus, the Ministry of Agriculture has contributed to adapting the contents of guidance programmes for rural use as part of a programme to promote and maintain rural employment.

149. Under the relevant instruments, the systems for vocational guidance and information on employment have to contribute to spreading information on labour law, taking account of the functions of workers' and employers' organisations. There is a fairly wide discrepancy

⁹ For example, Canada, Netherlands, United Kingdom, United States.

between general practice and the standards as to information on collective agreements and labour legislation. The provision laid down in Article 3(3) of the Convention and again in Paragraph 7(3) of the Recommendation is doubtless one of their most innovative aspects, encouraging countries to supplement the traditional contents of guidance with information "on general aspects of collective agreements and of the rights and obligations of all concerned under labour law". The scarcity of information on this subject in national reports and the fairly large number of direct requests addressed to governments by the Committee following its examination of reports on the application of the Convention are a measure of how little this provision is applied. However, appreciable efforts have been made by some countries, such as Germany, where the contents of guidance, especially for young persons being trained in enterprises, include aspects of labour law, collective agreements, working conditions and trade union rights. The same is true of Austria, Denmark, Hungary, Sweden, the USSR and the United Kingdom. In a number of countries, publications and audio-visual materials on occupations contain information on this subject.

150. Generally speaking, the Committee considers that a great deal of progress remains to be made as regards the content of guidance programmes if national practice is to be brought into line with the provisions of the instruments.

Section 5. Participatory guidance

151. The concept of participatory guidance is the other innovative feature of the 1975 standards. Not only is this concept clearly formulated in the provisions referred to at the beginning of this chapter; it also colours all the provisions concerning guidance. According to these standards, guidance should not merely be a matter of occasionally one person (the pupil or worker) receiving and another (the guidance counsellor) dispensing advice; but it should also involve persons and institutions making up the family or work context in which pupils and workers find themselves and likely both to influence their choice and to help them to act accordingly. This is why a participatory approach to guidance seeks to involve teachers and parents in the case of educational guidance, and employers' and workers' organisations in the case of vocational guidance.

152. The information examined shows that educational guidance is incontestably increasingly participatory in nature. It is becoming customary in most industrialised countries to involve teachers and parents in guidance, whether because educational guidance staff themselves work full time in the national education system;¹⁰ because guidance sessions are entrusted to teachers of other subjects who have undergone special training in guidance techniques;¹¹

¹⁰ For example, Denmark, France, Zambia.

¹¹ For example, Czechoslovakia, Finland; United Kingdom (Hong Kong).

because parent associations are becoming more numerous and increasingly participate in managing schools, as is the case in nearly all of the industrialised countries; or because guidance staff themselves naturally find it more realistic and effective to allow parents or guardians to attend their guidance sessions, especially where young persons with behavioural problems are concerned.

153. The participatory nature of vocational guidance is also gaining currency. Thus, the Committee refers in the first place to cases of active participation of workers' organisations in guidance in some countries¹² where workers' representatives have negotiated restructuring plans for industries in difficulty and have been involved in guidance programmes designed to find alternative employment for workers affected by restructuring or closures of enterprises. Another example is the contribution of branch representatives of employers to guidance sessions, which consists of presenting the features and content of their professions at conferences or job fairs, or the contribution of individual employers who allow their factories to be visited by workers led by guidance staff wishing to give a very real picture of certain occupations. Yet another example is the direct participation of employers' and workers' organisations in the co-ordinating councils or commissions on vocational guidance referred to in section 2 above. In some cases,¹³ this involvement of trade union organisations in co-ordinating bodies even includes taking a firm stand against the threat of what they perceive as dangerous cutbacks in funds allocated to vocational guidance. None the less, unlike vocational training, in which employers' and workers' organisations have taken over from the public authorities by organising and financing courses, in vocational guidance there has hardly ever been any direct intervention by employers' and workers' organisations on behalf of their members, as such organisations tend to consider this function the exclusive domain of the State.

Section 6. Methods of guidance

154. As regards methods of guidance, current practice, especially in the industrialised countries, goes far beyond the 1975 standards. In this respect the standards are somewhat outdated, for since their adoption information technology, office automation and telecommunications technology have been widely introduced in vocational guidance, bringing such substantial progress that the very nature of guidance has changed. The increasing number of countries which have invested in new technologies are now pleased with the results achieved. This is no doubt the reason why some national reports deal with this question at great length.

155. In deciding to commit themselves to technological modernisation, those in charge of guidance are not merely giving in to a new fad. They see modernisation as a means of providing more

¹² For example, Canada, France, United States.

¹³ For example, Spain, United Kingdom.

precise, constantly updated information to a much larger number of people. In their view, the benefits of achieving a very wide dissemination of exhaustive information have more than compensated the sometimes very high costs of modernisation.

156. Not all countries have reached the same stage of modernisation. However, the same immediate effects of computer technology are visible wherever it is used: as well as making it easier to store, retrieve and update information, it has brought improvement, diversification and better mastery of typographic techniques, easier illustration of texts using photographs, graphs or tables, and autonomy and flexibility in reproducing and printing polychrome materials. The traditional written documentation can thus be presented in a more attractive form, enhancing the quality and effectiveness of the message. Video cameras and cassettes have increasingly, and at lower cost, supplemented written documentation presenting the contents and characteristic features of occupations.

157. Computer technology is used in combination with the "telematics" system in the application of software giving applicants direct access to information on occupations and training (i.e. without going through guidance counsellors or information officers). Initially introduced in Canada and the United States, this system, which allows exploration, on a self-service basis, of all the possible variables inherent in occupations (i.e. their contents and all the information relating to the exercise of occupations, such as skills, previous training required, career, remuneration) has already been introduced in Australia, Germany, Hungary, Japan, the Netherlands and Sweden and will soon be extended to many other countries. In Austria, Australia, Germany and Japan, a network of vocational information multi-media centres has gradually been set up to enable any interested member of the public to gain access to information on occupations, which is available both in the form of traditional written documentation and in more modern forms such as video cassettes, sound-slide packages, or computer terminals.

158. The use of tests has also been made easier and become more widespread with the introduction of computer technology. Research and experiments in the United States, for example, have made it possible to design software which questions the worker or pupil being tested, records the replies given to the computer and automatically calculates their score at the end of the test. Widespread computerisation of tests may, however, mean that it is more difficult and costly to translate and adapt them to the cultural conditions of the countries and regions concerned. The Committee notes the appreciable effort made by certain countries, such as Brazil, Israel, Pakistan and Tunisia, to design or adopt tests corresponding to their country's occupational and cultural features. In this respect the practice in these countries seems to be in full conformity with that laid down in Paragraph 14(1) of the Recommendation. Moreover, the Committee, which has no information in this respect, recalls the provision of Paragraph 13(2) and (3), under which test or examination results should not be communicated or used without the knowledge or consent of the worker seeking guidance.

159. The modernisation of guidance methods is not restricted to technological innovation. Other methods, which the 1975 standards

either only touched on or overlooked altogether, are now emerging and spreading. Thus, in countries such as the USSR, the practice of, or developments in, an occupation may be the subject of televised debates between speakers from different backgrounds as in a programme for educational purposes. In other countries such as Belgium, Cyprus, Denmark, the Netherlands, Sweden and the United Kingdom, guidance sessions have given way to the widespread use of vocational guidance courses which take place in life-size simulated workshops where young persons and workers, before making their final choice of an occupation, spend up to two weeks trying out different jobs in a real-life situation in order to test their preferences and aptitudes on the job. Where such courses do not exist, in many countries organised visits to enterprises provide a realistic picture of how jobs are performed.

160. Initially introduced in the United States and Canada, another method of guidance has gradually spread to most West European countries: job fairs, like trade fairs, usually consist of stands set up in an exhibition hall for three to five days. Each stand is staffed and organised so as to illustrate the conditions in which a trade or group of trades is practised (using lectures, interviews, video films, documentation, or computer terminals, or showing workers in the workplace, together with their tools or machines).

Section 7. Training of guidance staff

161. The study of governments' reports reveals three outstanding features as regards the training of guidance staff. The first is the increasing diversification of the specialisations which go into guidance. Contrary to the belief which still prevailed when the standards were adopted, guidance is no longer the sole preserve of psychologists. An increasing number of guidance staff, especially in the industrialised countries where the profession is most highly developed, are teaching specialists, physiologists, social workers, computer scientists and communications technicians who lead the teams in charge of guidance programmes. The multidisciplinary which is now characteristic of the duties of guidance staff means that there is a proliferation of training centres in which the team members are trained. As the profession evolves, the concept of a guidance school as the sole source of specialists in the profession, which for a long time seemed to be a prevalent concept in different countries, is now gradually disappearing.

162. The second outstanding feature as regards training, a direct result of the first, is the increasingly high level of basic training required of guidance specialists. Unlike other labour market professionals, such as those responsible for placement, manpower needs assessment and enterprise counselling, guidance counsellors cannot be trained on the job or given in-house training to supplement a pre-university education. Several developing countries, such as Egypt, require candidates for guidance posts to hold a university degree, preferably in psychology, supplemented by special training in interview techniques. In Czechoslovakia, educational guidance counsellors are required to have completed a special two-year training

course after graduating from university. In Sweden guidance counsellors must hold a degree awarded after three years of university studies, supplemented by three years' work experience, in addition to in-house training. In Denmark guidance officers must hold a teaching degree and have received 400 hours' special additional training. Australia requires eight years' professional experience before admitting candidates for guidance counsellors to in-house training at post-graduate level. In Portugal, professional guidance counsellors must hold a university degree in psychology or teaching before receiving additional training dispensed by the Employment and Vocational Training Institute (IEFP). In the United Kingdom (Hong Kong) teachers whose duties include giving guidance to pupils are required to have completed a one-and-a-half-year part-time training course jointly organised by the Ministries of Labour and Education and the university. The USSR is currently setting up a school dispensing training in all labour management occupations, requiring guidance counsellors in training to hold a university degree. These higher basic training requirements ensure the quality and enhance the effectiveness of counselling, but reinforce its image as a costly profession and discourage many developing countries from introducing or developing it. In order to reduce the cost of training, some countries, such as France and Germany, have decided to split counselling duties into two sub-specialisations: one focusing on the psychological assessment of applicants or the interpretation of tests, which is the responsibility of highly trained psychologists, the other centring on the organisation and dissemination of objective information on occupations or the labour market by information officers who do not need to hold a university degree and whose in-house training is more rapid.

163. The third outstanding feature of guidance counsellors is the gradual convergence and increasing complementarity of centres dispensing educational guidance training and those offering vocational guidance training. The higher requirements as regards basic qualifications mean that universities are becoming a common source of training for educational and vocational guidance posts. Moreover, the realisation that guidance is a combination of two inseparable components - knowledge of the individual's psychological make-up on the one hand, and knowledge of occupations and the employment market on the other - is leading to collaboration and a greater degree of exchange between sources of training traditionally intended for educational guidance and those intended for vocational guidance.

CHAPTER III

VOCATIONAL TRAINING

164. The fundamental provision on this matter can be found in Article 4 of Convention No. 142 under the terms of which: "Each Member shall gradually extend, adapt and harmonise its vocational training systems to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility." Recommendation No. 150 echoes this in Paragraph 15, drawing attention to the particular needs of certain sectors, branches of the economy and even certain disadvantaged groups of the population; these questions will be looked at more specifically in Chapters IV and V below.

165. Paragraph 16 of Recommendation No. 150 states that vocational training programmes should be arranged in progressive stages which provide adequate opportunities for (a) initial training for young persons and adults with little or no previous work experience; (b) further training for persons engaged in an occupation; (c) retraining to enable adults to acquire new qualifications for a different occupational field, a subject which will be looked at in more detail in Chapter IV. Initial and further training, which will be dealt with in sections 1 and 2 of this chapter, should, according to Paragraph 24(1) of Recommendation No. 150, be covered as far as possible by standards and guide-lines set or approved after consultation with employers' and workers' organisations (section 3). The effect given to Part V of Recommendation No. 150 dealing specifically with training for managers and self-employed persons will be examined in section 4. The financing of vocational training, touched upon in the instruments, will be looked at in depth in section 5, since experience has shown that the choice of financing system is a basic strategic decision which governs or influences many aspects of human resources development policy.

Section 1. Initial training

166. Recommendation No. 150 (Paragraph 16(a)) naturally places initial training at the beginning of its "progressive stages" in the organisation of vocational training systems. Paragraphs 18, 19 and 20 state that initial training programmes should include both theoretical tuition and practical training in an institution or enterprise. They emphasise the importance of synchronising and co-ordinating the theoretical and practical input and matching programmes to real working conditions and responsibilities. The developments which

follow will focus on the general problems of apprenticeship and alternating training. The more specific problems of initial training for young persons, particularly with regard to their entry into working life, are examined in Chapter V.

(a) In-service or institutional training

167. In the past, initial training was often taken on by the different occupational or trade bodies to which the apprentices applied. Various developments and factors, such as the increasing complexity of occupations, the theoretical bases to be mastered, and the attention paid to ensuring equal opportunities, have since led governments to set up major teaching structures. In some, particularly the Nordic, countries and in Central and Eastern Europe, these structures have become, and to a great extent remain, the preferred form of vocational training.

168. Whether institutions or enterprises are in the best position to provide this sort of training is a moot point. Economic restructuring (structural adjustment programmes) on the one hand and the increasingly rapid changes taking place in production processes on the other have led to policies and priorities being revised and training methods reconsidered; and enterprises and institutions are working more closely to lower costs and find ways of matching training supply and demand more effectively. The Committee notes that the ILO has undertaken a number of studies on the costs of institutional vocational training¹ and the matching of training supply and demand.² It points out that in November 1989, on adopting the Plan of Action for Training, Retraining and Labour Mobility, the ILO Governing Body considered that a number of issues remained pending, including the question of how much of the training can be carried out by firms and how much by government.³

169. Convention No. 142 gives governments the necessary leeway to organise their initial vocational training systems. Many countries, as pointed out, have laws generally passing this responsibility to their ministry of education or labour, whilst in others governments have considered it advisable to establish specific bodies.⁴

¹ C. de Moura Castro: "Is vocational education really that bad?", in International Labour Review (ILO, Geneva), 1987/3, pp. 603-610.

² C. de Moura Castro, A. Cabral de Andrade: "Supply and demand mismatches in training: Can anything be done?", in International Labour Review, 1990/3, pp. 349-369.

³ ILO: A plan of action for training: retraining and labour mobility, doc. GB.244/CE/1/1, op. cit., para. 95.

⁴ For example, Algeria, the National Institute for Promoting and Developing In-plant Vocational Training and Apprenticeship (INDEFE); Mexico, the National Service for the Rapid Training of Industrial Manpower (ARMO).

(b) Recent trends

170. Each country, given its own particular situation, is trying to strike a balance between in-service and institutional training. The different reports received seem to show a marked interest in apprenticeship,⁵ particularly alternating apprenticeship which should help to match training with employment more cost-efficiently.

171. Alternating training can consist of one full day or two half-days training per week, a week or two each month, six months at a time, or "block release", etc.⁶ It is a kind of apprenticeship which has developed particularly in Germany,⁷ Austria⁸ and Switzerland,⁹ where many young people move on to an apprenticeship after their compulsory schooling, and where few people begin their working life without training. The same applies to Cyprus,¹⁰ where alternating apprenticeship has become the second source of skilled and semi-skilled workers.

⁵ For example, Chile, Cuba, Guyana, Jordan, Portugal, Turkey: other countries will be mentioned later. In Czechoslovakia, the Education Act of 1984 abolishes apprenticeship and concentrates training in schools. However, provision is being made for a practical placement within an undertaking at the end of training.

⁶ For example, Australia, where the system often makes provision for alternating training on a weekly basis or on block release, at the end of training.

⁷ Due to the dual system of in-plant training and vocational training in educational establishments, two-thirds of young persons between 15 and 16 years have entered apprenticeship in recent years. A less than 5 per cent drop-out rate and more than 90 per cent success rate in examinations at the end of apprenticeship has been noted. Some observers attribute this training to the lower unemployment among young persons here than in most other Western European countries.

⁸ The vocational school system is highly developed. The Federal Ministry of Commerce, Trades and Industry sets the list of apprenticeable trades by ordinance. Thus, in 1980, 45 per cent of young persons chose to take up apprenticeship and only 6 to 7 per cent of those who finished compulsory schooling started working life without other training.

⁹ Federal legislation on vocational training, backed up by cantonal laws, makes provision for theoretical tuition and compulsory general culture in vocational schools, complementing in-service apprenticeship (Federal Act of 19 April 1978 and Ordinance of 7 November 1979 (LS 1979, Swit.1B and 1A respectively)).

¹⁰ The Government's first report on the application of the Convention (ratified in 1977) pointed out that the apprenticeship system had been an example for employers and had enabled them to see the value of appropriate training, the aim being to encourage them to set up their own apprenticeship programmes.

172. This kind of apprenticeship has also developed to a certain extent in Denmark, where both approaches exist; Ireland;¹¹ the United Kingdom, although here it is becoming less common and has largely been replaced by another system, the Youth Training Scheme (YTS); Nicaragua, within the framework of the national training system (SINAFORP); and the Netherlands, with the Adult Training Centre. In Australia, basic theoretical training, complementing on-the-job training, is compulsory for most apprenticeships: each state and territory has set up an authority responsible for technical and further education (TAFE); as in many other countries, employers must allow apprentices to attend courses without loss of earnings; in the case of remote areas, correspondence courses replace formal ones and grants for training may be given. In Israel, there are close links between young persons' vocational schools and enterprises: on-the-job training is also given by experienced workers who use the teaching aids provided by the Ministry of Labour and Social Affairs.

173. Other countries have tried to develop alternating apprenticeship, for example Belgium¹² and France,¹³ where such a system already existed in handicrafts. There is a certain interest in developing the system in Canada, particularly in Quebec, and in Italy in sectors such as handicrafts and commerce. Efforts of a similar nature have been reported in some countries with a tradition of institutional training, such as Finland, where apprenticeship contracts have developed;¹⁴ Norway, where the percentage of young persons in apprenticeship has doubled to 20 per cent between 1980 and 1987; and Sweden where, since autumn 1988, a new vocational training system is being tried out, with at least 10 per cent of the training being spent at an enterprise in the first or second year, and at least 60 per cent during the third year (usually without remuneration).

174. The form taken by alternating apprenticeships depends in some countries, such as the Dominican Republic, on the sector of activity in question. The Committee notes that "education with production", one of the specific forms of apprenticeship introduced in recent years by some countries in Latin America, the Caribbean and Africa, has been studied by the ILO's technical branches.¹⁵ With social, educational and

¹¹ New rules for application aim to make the first year a time when courses are taken at FAS centres (the central body approving all apprenticeships), Ministry of Education training centres or enterprise centres.

¹² The Apprenticeship Act of 19 July 1983, which makes provision for the creation of joint apprenticeship committees to set up training programmes.

¹³ The Act of 23 July 1987 lays down alternating training totalling 400 hours or, at least, to be undertaken at apprentices' training centres (CFA). An Act dated 14 April 1987 introduced placements and alternating reintegration contracts for adults finding it difficult to return to work.

¹⁴ Here too apprenticeship is complemented by vocational training courses.

¹⁵ A. Cabral de Andrade: Education with production, discussion paper No. 41, Training Policies Branch, ILO, Geneva, Aug. 1989, p. 13.

economic objectives in mind, it is used particularly in sectors such as hotels and catering, and construction. Among the fairly recent forms of vocational training, alternating training is increasingly used at university level in various forms such as sponsorship or "partnership", and to help establish small high-technology enterprises.¹⁶

175. In developing countries, apprenticeship is a traditional training system, especially in small enterprises and in the informal sector.¹⁷ The economic crisis which has struck these countries and the structural adjustment programmes which have necessitated drastic staff reductions in administrations, often their major employers, have led to difficulties for human resources development. In this context, it may be noted that a few governments,¹⁸ aided by the ILO's World Employment Programme, have for some time been looking to micro-entrepreneurs in the informal sector to provide apprenticeship training. Measures aimed at the informal sector are examined in greater depth in Chapter IV. It seems that the training of technicians is a weak spot in developing countries,¹⁹ although most large enterprises in developing countries have their own on-the-job training systems and possibly training centres.

176. Vocational training systems are evolving as the situation in the labour market is changing. However, despite all efforts, some countries must face up to a lack of potential apprentices²⁰ or high failure rates. These failures have been attributed to various things, such as low regard for apprenticeship or manual trades in general, difficult working conditions (in the construction industry for example), candidates' poor theoretical knowledge, and the fact that apprentices are too young when they have to choose their apprenticeship. Some countries²¹ have decided to launch publicity campaigns to advertise this branch of training and its advantages.

¹⁶ For example, Canada; France (in particular engineering training provided by the Centre for Higher Industrial Studies, CESI); Switzerland (Higher School for Economic and Administrative Managers, ESCEA, Fribourg); United Kingdom; United States.

¹⁷ For example, Algeria; Egypt, with the alternating system; Gabon, where Ordinance 16/70 dated 11 March 1970 makes it compulsory for enterprises to have a vocational training service and, in the case of insufficient numbers, to group together with a view to organising an inter-enterprise or inter-vocational service; Kenya; Rwanda; United Republic of Tanzania; Togo.

¹⁸ Mali, Rwanda, Togo.

¹⁹ However, in Kenya, this training is in the form of initial training; and in Morocco, it is planned soon to set up several technology institutes every year.

²⁰ According to a recent study in France, only one-third of enterprise managers, 20 per cent of parents and 6 per cent of young persons are familiar with the provisions of the Apprenticeship Act of 1987; another study in Switzerland showed that out of 150 occupations, there were fewer candidates than apprenticeship places in 1989.

²¹ For example, in Australia (Western Australia), 1987 was declared the Year of the Apprentice, and conferences, seminars, exhibitions, competitions, television campaigns, etc., were organised.

(c) Organisation

177. In an attempt to promote alternating or in-service vocational training and avoid difficulties, some countries have legislated, for example, for a time-limit on apprenticeship.²² Others have set a minimum and/or maximum number of apprentices per enterprise,²³ a measure which goes a long way to allaying the concerns of workers' organisations, which fear that too much purely in-service training may be detrimental to workers' mobility at a later date, or lead to the exploitation of cheap labour. So, in observations on the application of the Convention, the Confederation of Salaried Employees in Finland (TVK) expressed the opinion that apprenticeship should be more tightly controlled. Nevertheless, the Finnish Employers' Confederation (STK) and the Employers' Confederation of Service Industries (LTK) came out in favour of a permanent increase in practical training under the temporary contract system.²⁴ In France, at least with regard to occupational internships (SIVP), the problem seems to have been solved following an agreement between the social partners by making management and supervision of the programme the responsibility of the National Agency for Employment (ANPE).

178. Legislation in most countries requires a written apprenticeship contract with the enterprise or institution, and some²⁵ have standard contracts that enable the relationship between apprentices and employers to be regulated more efficiently. In some countries,²⁶ a medical certificate is required on entering into an apprenticeship.

²² In general, it takes three years to qualify, or occasionally four years or more. In Chile, it only takes two years.

²³ For example, Algeria, where all enterprises must train apprentices according to the number of workers; Austria; Chile, where an enterprise must not have more than 10 per cent apprentices in relation to full-time workers; Colombia, where the law requires enterprises whose capital exceeds a certain sum amount and whose workforce comprises 20 employees or more to take on apprentices, who are also obliged to undertake training at the central body (SENA) to ensure that this is methodical and comprehensive; Switzerland; Turkey, where the Apprenticeship Act of 19 June 1986 requires enterprises with 50 or more employees to train apprentices (5 per cent minimum and 10 per cent maximum); Venezuela, where the maximum is set at 5 per cent, with a special arrangement for enterprises with fewer than 20 workers.

²⁴ See Report of the Committee of Experts on the Application of Conventions and Recommendations (RCE), 1988, pp. 361-362.

²⁵ For example, Portugal; Switzerland, where cantons provide these contracts and methodological guides to practical training.

²⁶ Including Algeria; Portugal, where an annual medical examination is also required; Switzerland, where it is provided for by federal ordinance and required in some cantons, with special provisions for hazardous occupations; United Republic of Tanzania, where the certificate is compulsory and paid for by the employer; and United Kingdom (Hong Kong).

179. Vocational training programmes should, according to Recommendation No. 150 (Paragraph 16(e) and (f)), provide adequate opportunities for training in safety and health at the place of work, especially for young persons and adults with little previous work experience; and for acquiring information on rights and obligations in employment, including social security schemes. Workers being trained within an undertaking should be covered by social security measures applicable to the regular workforce (Paragraph 23(1)(b)). To achieve these objectives, the Recommendation suggests making high standards of teaching of occupational safety and health an integral part of training for each trade or occupation (Paragraph 4(6)(e)), and creating and developing an appropriate infrastructure for providing adequate training (Paragraph 6(f)). A few countries offer this kind of education,²⁷ either in an institution or during in-service induction programmes, in accordance with Paragraphs 18(d) and 20(a) of the Recommendation.

180. The Recommendation deals with educational support and trainee assessment in Part XI on research programmes. Whilst these issues may seem obvious with regard to institutional training, this is not the case for apprenticeship. Different ways and means are proposed by governments and used in enterprises to support trainees. For example, some countries have provided for consultants,²⁸ others

²⁷ For example, Germany, where an Act of 1972 (LS 1972-Ger. (FR) 1) requires that workers be told at the outset about any occupational hazards they may face; Belgium; Jordan (courses run by the Health and Safety Institute and given at training institutions); Mexico; Norway; Philippines, where courses are included in basic training programmes; Poland, where in 1978 health and safety courses were given to approximately 1.5 million workers; Dominican Republic (courses given by INFOTEP, the central training body); Sweden (courses given in schools); Switzerland, where this education is part of introductory courses; Turkey, where employers stress the training efforts undertaken with regard to health and safety; USSR, where a recent project encourages environmental protection, amongst other things; Uruguay; United Kingdom (Hong Kong) (the courses are given in technical colleges and technical institutes). In developing countries, technical co-operation programmes often include safety and health elements.

²⁸ For example, Australia, where the authorities responsible for training employ training consultants to monitor the on-the-job training of apprentices; Chile, where article 82(3) of the Labour Code of 1987 makes provision for appointing a worker to be responsible for the apprentice, just as the "tutor" system that was introduced in recent years in France; Japan, where legislation requires employers to endeavour to appoint persons responsible for human resources, and systematically to formulate a training programme within the enterprise, and the Act on promoting and developing human resources (section 3) states that competence is acquired throughout working life; Luxembourg, where the apprenticeship adviser ensures that theory and practice are related and is responsible for contacts with parents,

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a system for monitoring the apprentice,²⁹ or examinations³⁰ to verify the acquisition of skills and know-how.

(d) Flexibility

181. The flexibility of Convention No. 142 and Recommendation No. 150 is reflected in the diversity of systems adopted and their modes of application. This is also one of the characteristics of apprenticeship as a means of training.³¹ Some countries allow apprenticeship contracts to be concluded before the apprentice has reached the statutory minimum age for admission to employment,³² so that they complement compulsory schooling; others allow pre-apprenticeship courses³³ or permit the age limit to be raised to involve more adults.³⁴ The length of apprenticeship may also vary. Accelerated³⁵ or short-term³⁶ apprenticeship is possible in

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apprentices and enterprises; United Kingdom, where at the end of the 1970s there were more than 10,000 persons responsible for full-time training, especially in large enterprises.

²⁹ For example: Switzerland; Portugal (Legislative Decree No. 102/84, dated 29 March 1984), where the legal representative of the apprentice must be regularly informed of his progress, and where provision is made for an apprenticeship report, as is also the case in Algeria, Belgium and other countries.

³⁰ Particularly Australia (Western Australia), where a skill test is required before an occupational qualification is recognised and Australia (New South Wales), where the placement system replaces, if necessary, those who have made no mistakes so that they may finish their apprenticeship; Switzerland, where after an examination, as in many other countries, a trade skill certificate is awarded and where (Canton of Vaud, for example) the apprenticeship master may, with the consent of the apprentice, the legal representative and the Apprenticeship Committee, arrange for the end of the apprenticeship to be undertaken at another enterprise, which may be particularly useful in the case of small enterprises.

³¹ Portugal, where Decree No. 102/84 of 29 March 1984 refers to the flexibility of apprenticeship and its adaptability to various occupations.

³² For example, Dominican Republic.

³³ In particular Portugal.

³⁴ For example, France, where the age limit is now 25 years.

³⁵ In particular, Egypt, with accelerated courses for young persons aged 18 and over, comprising four months at an apprenticeship centre and between four and ten months in an enterprise.

³⁶ For example, Australia (JOBTRAIN PROGRAM) in the agricultural, hospital, transport, manufacturing and sales sectors, etc.; Denmark; France; Gabon (Decree No. 00159/MT/DTMOSS); Jordan; Kenya, where it is possible to undertake training for 100 days in industry or at a recognised school belonging to an enterprise, if primary schooling has been completed; Nicaragua, where part-time

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several trades, either alternating³⁷ or in stages.³⁸ For people with learning problems, some countries make provision for supplementary courses or special examinations.³⁹ Supplementary courses in certain developing countries may consist of instruction in functional literacy. It appears to be important to provide increasingly broad basic or continuing training to cope with the demands of new technology, and to allow for greater occupational mobility.

Section 2. Further vocational training

182. Nowadays, when workers have to adapt their techniques and skills to constant changes, continuing education is needed "to meet the needs for vocational training throughout life of both young persons and adults", in accordance with Article 4 of Convention No. 142. The reports received from member States provide information, sometimes in the form of statistics, on further training, training in new techniques and continuing education.

(a) Further training in general

183. Some statistics on further training activities in certain countries may be cited. According to a study carried out in 1983 by the United States Bureau of Labor Statistics, 14 per cent of workers

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training may possibly be given; Philippines, where the Labor Code (section 73 ff.) provides for training lasting three months for semi-skilled training in trades which do not qualify for an official apprenticeship, a contract being signed with the employer who must offer employment after the apprenticeship; Switzerland, where the length of the apprenticeship may be altered, in particular for persons with difficulties in theoretical knowledge.

³⁷ For example, Australia where the contract may be arranged with a central agency such as an employers' and workers' organisation and where the apprentices must then work for several employers in rotation; Austria, where common basic training is offered by branch (metals and mechanical engineering industries, etc.) followed by training periods in related trades which may then be taken into account; Denmark; France; Portugal, where contracts may be concluded with several employers; United Republic of Tanzania, where the apprenticeship contract may be transferred to other employers, with the agreement of the apprentice and the vocational training director.

³⁸ In particular, Switzerland (for example in the Canton of Vaud), where each "stage" may be approved by an intermediate examination.

³⁹ For example, Austria, where a further final examination is possible in officially recognised related subjects; Switzerland, with supplementary courses for those persons who are behind in training, and the possibility of extending apprenticeship in cases of failure.

in employment have upgraded their skills through on-the-job informal training, 12 per cent have taken further training courses, and 10 to 11 per cent have taken part in programmes organised by their employer, in order to apply for a new job or to upgrade their skills. Around 41 per cent of those who followed further training courses were sponsored by their employer. In 1985, 12 per cent of the active population in the Federal Republic of Germany took part in continuing training activities. In some countries, such as Italy, it has been noticed that women are increasingly demanding training, particularly in order to go back to a job or to become acquainted with new technologies. In Norway, at the beginning of the 1980s, some 25 per cent of the active population, at one time or another, were receiving some form of adult education. In the Netherlands, it was recently estimated that half the staff of large enterprises were taking courses, and between 10 and 25 per cent of staff in small and medium-sized enterprises. The proportions tended to be higher for persons who already had a high level of training, a phenomenon which can be seen in other countries too, such as Sweden.

(b) Training for new technology

184. Today there is considerable interest in training for new technology and a great deal of work is being done to analyse its impact on occupational skills and training in general. In industrialised countries in particular there are constant calls for efforts to be made in the area of intensive training to prepare present and future workers for mastering and applying new technology.

185. Judging by their official statements, a number of governments seem to have heeded these calls. But it may not have been possible to take measures in all cases. Furthermore, it remains to be seen if the training received has actually improved occupational skills and productivity: the reports received do not enable any assessment to be made. This is why the comments which follow will concentrate on some of the salient features of the initiatives taken.

(c) Purpose of continuing training

186. Legislative provisions and the policy statements of governments on the one hand and training institutions and enterprises on the other show a general commitment to the principle of continuing education and training throughout life. The argument put forward relates to the speed with which technological, industrial and social changes are taking place, leaving skills, qualifications and even entire trades far behind: only continuing education and training will enable workers to deal with changes in technology, job content and work organisation.

187. Many countries have formulated explicit continuing training objectives. In France, for example, according to the Labour Code, continuing vocational training forms part of lifelong education. Its purpose is to enable workers to adapt to changing techniques and conditions of work, to facilitate their training for promotion by affording them access to the various levels of culture and skill and

to enhance their contribution to cultural, economic and social development.⁴⁰

188. In other countries a continuing training system is still in its infancy. In the USSR, the Draft Guide-lines on State Youth Policy, emphasise the need to devise a permanent system for the training, further training and retraining of young persons. The Government of Turkey has a similar objective and is currently setting up a national in-service training system, providing further training and retraining programmes: the World Bank is helping to set up the system, with the ILO providing technical inputs.

189. Many countries in Central and Eastern Europe have for some time been aiming to encourage workers to acquire skills in a second trade, in order to make it easier for them to adapt to technological changes and to retrain them. In general, such training is given in evening courses at technical and vocational education institutions. One characteristic of the adult education system in Poland is the basic training lasting two or three years at vocational schools for those who have received only primary education and have no formal qualifications. An interesting feature is that there are special primary schools whose education/training objective is to offer general primary education combined with vocational training.

190. Within the framework of continuing training measures, some countries are aiming to help a poorly educated labour force to catch up with general skills and knowledge of recent advances in the workplace. Many of these efforts consist of teaching reading, writing and arithmetic. There are examples of just such measures in many developing countries.⁴¹ In an industrialised country such as the United States, training and education may be given at the workplace, with the aim of teaching reading, writing and arithmetic, which are considered to be the key to entry into further vocational training.

191. In developing countries, continuing and further training more usually take the form of evening classes at technical and vocational education establishments. The dimension and scope of this kind of activity are modest. In general, the extent of vocational and further training within the undertaking in these countries is negligible, due to their often limited capacity for providing training. The main task of developing countries is to change managerial attitudes towards training. To do this, measures taken with a view to providing employers with the incentive to train their staff and encouraging workers to embark on vocational training could be useful.

192. The experience of the Republic of Korea, which was the subject of a study carried out by ILO technical branches, has been interesting but suggests that creating an efficient enterprise-based further training system is not an easy task. The compulsory training levy imposed on enterprises of a certain size has succeeded in increasing the volume of basic training carried out at workplaces; but such a levy has been less successful where it is necessary to persuade employers to provide further training and retraining. A major factor contributing to apathy has been employers' and therefore

⁴⁰ Labour Code, section L.900-1.

⁴¹ For example, Algeria, Nicaragua, Venezuela.

workers' preferences for academic qualifications rather than work-related skills.⁴²

(d) Organisation of continuing and further training

193. Countries usually try to integrate their continuing training measures into existing training infrastructure. Japan, for example, organised an advanced in-service training system. In principle, the enterprises themselves also take responsibility for providing the majority of continuing training with complementary inputs from public and private institutions, for example in meeting regional training needs. This is the basis of the Vocational Development Promotion Law of 1969 (amended in 1985) and the current Basic Plan for Vocational Ability Development.

194. In Germany, continuing training tasks are shared between the federal Government, the Länder and enterprises, which leads to great diversity in practice. Employers generally finance their own further training and retraining programmes. Some of the most sophisticated courses in enterprises are given by large high-technology companies. In the employers' opinion, training and further training are a prerequisite for increasing productivity and competitiveness, which encourages them to invest heavily in this area. In many high-technology companies, education and training look beyond immediate needs. General educational subjects are combined with task or occupation-specific further training, in an effort to create a "corporate culture", where the key elements are employees' identification with corporate objectives and their desire for self-improvement.

195. In Germany, Chambers of Industry and Commerce are providing a great impetus by offering further training programmes and certifying officially recognised qualifications. Moreover, there are special inter-enterprise training centres to meet the further training needs of small- and medium-sized enterprises which lack the means to implement their own training programmes.

196. In Germany, the federal Government and Länder also play an important role in financing adult training, further training and retraining of both unemployed persons and workers threatened with job losses. The training is provided by an entire infrastructure of schools, specialised institutions and enterprises. The federal authorities also sponsor Modellversuche or pilot training experiments within enterprises and vocational institutions where curricula and methods are tried out both for initial and further training. If proved successful, these pilot projects are replicated on a larger scale. Recently, a significant reform in trades for which training is provided has been carried out within the framework of what is known as the dual system of alternating apprenticeship. The objective is to increase its content, introduce training taking new technologies into

⁴² T. Alfthan: "Developing skills for technological change: Some policy issues", in International Labour Review, Sep.-Oct. 1985, pp. 517-529.

account, with a view to new skills and, more generally, to stimulate creativity and the adaptability of apprentices who take part in the dual system.

197. In a White Paper entitled Employment for the 1990s,⁴³ the Government of the United Kingdom supports the view that continuing training throughout life is not primarily the responsibility of the State. It expects private companies to promote training, encouraged by the new Training and Enterprise Councils. Meanwhile, it is said to be the Government's role to support the efforts made by employers "who should take the initiative and set the pace". Thus, for the fiscal year ending March 1989, the British Government, through the Training Agency, devoted some £615 million to adult training programmes, and around £110 million to employment-related further education programmes for workers. In recent years there have been many initiatives and programmes to increase the opportunities for further training and upgrading of qualifications.

198. In many countries, the task of further and continuing training is shared between the State and the private sector with the government providing incentives and direct financial support. This is particularly the pattern in some English-speaking countries. Thus in Australia (New South Wales), the Training and Policy Branch of the Human Resources Division of the Department of Industrial Relations and Employment administers a joint public/private sector project that also includes the federal Government and a private body, the Australian Computer Society. The federal Government also gives direct financial assistance to the industrial sector under the Innovative Training Projects (ITP) programme. The objective here is to upgrade workers' vocational qualifications and help them to adjust to structural and technological changes.

199. In the United States, adult training and retraining programmes are promoted and subsidised by federal funds under the Vocational Education Act of 1984. At state level, the execution of the programmes is the responsibility of the public and private teaching and training establishments.

200. In Spain, courses on new technology are organised, even during working hours, by employers' or workers' organisations.

201. In Sweden, the traditionally important role played by the Folk High School (Folkhogskola) in complementing adult education and training is declining whilst training provided by employers is increasing. Enterprises which organise further training and retraining courses for their staff receive subsidies from the State.

202. In Central and Eastern European countries, the teaching and training establishments, which until recently were run by the State, are almost entirely responsible for further and advanced training. In-service training by enterprises is not common. Given the move in these countries toward a market economy, it is to be expected that

⁴³ Employment for the 1990s (London, HMSO, Dec. 1988, Cm 540).

enterprises will play a more active role in training than before, and several of them⁴⁴ are now providing incentives to employers.

203. The above description of various countries' provisions and programmes for further and advanced training is of necessity a simplified one. Nevertheless, it does show that many countries are indeed trying to upgrade the skills of their workforce. In industrial countries in general the training infrastructure is complex and involves a number of different actors who carry out this kind of activity. The respective responsibilities of enterprises, training institutions and the State are usually clearly defined. In many countries, the public sector is in the process of giving up training activities which were formerly its responsibility, whilst strengthening its co-ordinating, standard-setting and supervisory role. The State, nevertheless, is continuing to play a decisive part in retraining the unemployed and those affected by the restructuring of industry. In most industrialised countries, it seems that entry into advanced and further training activities may be effectively open to all, and that the relevant provisions of the ILO instruments may be widely applied in practice.

204. Many developing countries have indicated that they are endeavouring to meet the further training needs of their workforce.⁴⁵ In other cases, efforts still fall short of what is necessary. Even countries which, overall, are still relatively poor may have some sectors in which new technologies thrive;⁴⁶ the State is often trying to improve skill standards via the education system or through their more or less elaborate system of vocational education and training. However, many of these countries lack an in-service training sector which could shoulder the burden of further vocational training. Similarly, they all too often lack the support

⁴⁴ In particular, Czechoslovakia and Hungary (where, according to Bulletin No. 289 of CEDEFOP, 57.8 per cent of adults between 30 and 49 years old have taken training courses, and almost 7 per cent of persons over 50 years old); Poland.

⁴⁵ For example, Argentina, where adult training is developed with evening further training courses for persons in employment; Belize which has launched lifelong training programmes for adults; Bolivia, Colombia and Uruguay in their central training bodies; Mexico, Nicaragua, Venezuela, where lifelong education has been re-examined; Ethiopia, where symposia and seminars are organised to familiarise workers with new technologies in order to increase productivity; Philippines with their Skills Upgrading (and updating) Program (SUP); Tunisia, where the Vocational Training and Employment Office (OFPE) organises evening classes or correspondence courses to provide continuing training for workers in some specialised fields; Cyprus has a new technologies training programme and a centre for individual studies at its Higher Technical Institute.

⁴⁶ See, for example, document GB.241/CE/1/2, paras. 27-29, ILO, Geneva, Nov. 1988. See also A. Gladstone and M. Ozaki: Working together: Labour-management co-operation in training in the context of technological change (ILO, Geneva, to be published in 1991).

infrastructure necessary for effective further training and education activities outside the state education and training sector.

Section 3. Vocational training standards and guide-lines

205. Paragraphs 24 to 28 of Recommendation No. 150 focus on the general standards or guide-lines which should cover initial and further vocational training. These standards should indicate, among other things, the training content, on the principles of multi-purpose training and occupational mobility, any examinations or other means of assessing achievement, and the certificates to be issued on successful completion of vocational training. The Recommendation adds in Paragraph 72(c) that provisions should be made for "organising publicly controlled examinations or applying other means of assessing achievement for occupations covered by vocational training standards".

206. Various countries have reported efforts made to formulate training standards, particularly Canada (New Brunswick Province for example),⁴⁷ Japan, where the standards in question are specifically covered by regulations and laid down⁴⁸ by ordinances of the Ministry of Labour (also covering the training of instructors) and the United Kingdom where they are formulated by statutory or non-statutory training organisations, according to branch (ITB or NSTO). In the Dominican Republic, the central training body (INFOTEP) may lay down standards and grant certificates to workers educated at educational establishments within the formal system. In Uruguay, the responsibility of the central body (COCAP) includes laying down minimum technical standards to cover the vocational training system.

207. The certificates, diplomas or other qualifications received after successfully completing vocational training, usually following one or more examinations, frequently result in a recognised qualification being awarded,⁴⁹ sometimes on condition that a trade has been practised for a certain length of time. Here, several problems arise, such as the harmonisation of criteria and requirements within a country or a federative group or an international regional organisation; or the question of state supervision of private initiatives.

208. Thus, in France only public institutions have traditionally been authorised to issue certificates, diplomas and other qualifications at the end of a successful training or educational

⁴⁷ To do this, there is an apprenticeship and occupational certification office which carries out preliminary in-depth consultations with the social partners. The training programmes are revised by advisory committees on which the social partners are also represented.

⁴⁸ Under section 3 of the Act on the promotion of human resources development, these standards must be revised in the light of technological progress.

⁴⁹ Particularly in collective agreements, or even regulations or legislation, but sometimes, as in Egypt, according to a procedure entrusted to special committees.

cycle - hence the need for all candidates to sit the same examinations as the students or trainees of public establishments: at present, given the considerable diversification of training, including continuing training, it is possible that in practice this rule has been somewhat relaxed; there is a certification board, at the Interministerial Committee for Vocational Training, Social Advancement and Employment, which comprises representatives of the relevant ministries, social partners and experts, and publishes certification lists. In Spain, a certification procedure for trade qualifications and certificates exists and is the responsibility of the General Council for Vocational Training.

209. In Kenya, the Directorate of Industrial Training alone has the legal authority to organise occupational examinations. This is seen as providing some degree of uniformity, since the certificates are recognised throughout the country. There are no conditions for taking these examinations, which helps to put training in the informal sector on an equal footing with that in NGOs and youth training centres.

210. In Mexico, article 5 of the Constitution lays down that in each State, laws determine the occupations for which a qualification or certificate is needed, the necessary conditions for obtaining them and the competent authorities to grant them. The widespread framework agreements (contratos leyes) in the sugar and alcohol industry and in the woollen industry, for example, stipulate that trainees must sit the appropriate examinations, as provided for in section 153H of the Federal Labour Law.

211. In Panama, the central training body (INAFORP) accredits trade certificates and approves foreign certificates.

212. In Australia, in 1989, the Australian Council of Trade Unions (ACTU) adopted a recommendation that training should lead to officially recognised qualifications, accepted by employers throughout the country. In the same year, it was decided to set up a national tripartite Vocational Training Board to lay down qualification standards, providing classifications linked to arbitration awards in order to facilitate occupational mobility.

213. In the United Kingdom, a National Council for Vocational Qualifications was set up by the Government in September 1986 primarily with the aim of ensuring that vocational qualifications are based on skill standards clearly defined by more than 150 working parties made up of employers, trade union representatives and other interested parties.⁵⁰

214. Turkey has pointed out that efforts are being made to ensure equivalence between national certificates corresponding to full-time and part-time education, either at school or in apprenticeship, and those obtained abroad under similar conditions.

215. Several countries, including Austria, Germany and Switzerland, describe how programmes and regulations for apprenticeship and examinations are formulated and promulgated. In Germany, the Chambers of Industry and Commerce and the Chambers of Crafts play a major role in preparing and updating these programmes and regulations.

⁵⁰ At the end of 1989, more than 100 qualifications had thus been officially recognised.

The Chambers have a sound knowledge of the problems through their control over in-service training. On the whole, the social partners are closely associated in the preparation of such standards.

216. The Government of Egypt points out that annual trade examinations are a means of checking the reliability of public and private enterprise training and of guarding against misuse. In Japan, qualifying examinations come under the authority of the State or prefectures. In Mauritius, the body responsible for organising examinations, issuing certificates and carrying out research has helped to rationalise and centralise the different examinations set by schools and institutions within or outside the University of Mauritius.

217. Some countries,⁵¹ such as Switzerland, as mentioned in Chapter I in respect of modular training, allow intermediate examinations or tests to be taken without institutional training, if certain conditions for practising the trade in question are met: it holds examinations for various levels of skill (master craftsmen, skilled workers and semi-skilled workers, following a short and essentially practical training period).

218. In various countries,⁵² employers and workers from the occupations concerned sit on examination committees or juries. In United Kingdom (Hong Kong), the 20 branch training offices issue guide-lines for examinations; and in Switzerland, in accordance with the Vocational Training Ordinance, instruction courses for examiners are organised.

219. Further, several countries have long had national, regional and international competitive examinations for apprentices, which help to provide some comparison between national apprenticeship systems and no doubt act as a stimulus.

220. The Committee notes with interest the role played in several of these countries by organisations of employers and workers and thus the effect given to the relevant provisions of the Recommendation. In this context, it is worthwhile recalling that the Recommendation emphasises consultation and participation on the part of employers' and workers' organisations in the various phases of formulating, developing and reviewing vocational training standards and guide-lines (Paragraphs 24(1) and 27). Given the emphasis placed by the standards on the relationship between human resource development objectives and other, mainly economic and social, objectives, it seems timely to reiterate that, when the standards and guide-lines are being formulated, the Recommendation advocates priority being given to vocational training for occupations and levels of skill and responsibility of key importance for social and economic advancement (Paragraph 28(2)).

Section 4. Training for managers and self-employed persons

221. The preparatory discussions on the instruments on human resources development at the beginning of the 1970s noted the recent

⁵¹ For example, Germany.

⁵² In particular, Belgium, Germany, Portugal, Spain, Switzerland.

interest in management training, recognising that this training was different in certain respects from other types of training. The Conference was aware that managers themselves must be trained and thus agreed on the recommendations concerning "training for managers and self-employed persons" (Part V of Recommendation No. 150). Whilst not objecting to the idea of managers being trained, the Workers' members of the Committee on Human Resources did stress that such training should be provided independently of the State, in employers' own institutions.⁵³ Since 1974, interest and need have continued to increase and the ILO has responded with various ideas and activities.⁵⁴

222. The last 15 years have seen upheaval and rapid change which has led to human resources management methods being revised. Several countries⁵⁵ have begun to pay particular attention to their management training programmes.

223. Recommendation No. 150 refers to two particular categories of management staff to be trained: supervisors and the self-employed.

(a) Supervisory staff

224. Paragraphs 29(1) and 30 of Recommendation No. 150 deal with supervisory functions and include the main elements of a human resources management training programme, such as motivation, initiative, responsibility, training, further training, welfare.

225. In industrialised countries, management training is on the increase, beginning in secondary and further education,⁵⁶ thus familiarising students with management concepts in areas such as personnel, finance, marketing.

⁵³ See ILO: Human resources development: Vocational guidance and vocational training, International Labour Conference, 59th Session, Geneva, 1974, Report VIII(1), p. 28, and ILC, 60th Session, Record of Proceedings, p. 732.

⁵⁴ In particular the Management Development Programme of the ILO: Effective management and small enterprise development, ILO, 1989; the Report of the Director-General to the International Labour Conference: Training: Challenge of the 1980s, 66th Session, Geneva, 1980; the Conclusions concerning the promotion of small- and medium-sized enterprises at the International Labour Conference, 72nd Session, Geneva, 1986; the Conclusions concerning the promotion of self-employment at the International Labour Conference, 77th Session, Geneva, 1990.

⁵⁵ For example, Denmark, where financial provision for management training was doubled. This is calculated according to salary advice, collected by the State and administered by employers and workers; Ireland, where a report, with recommendations, was published in 1988 by the Advisory Committee on Management Training.

⁵⁶ For example, Canada (Quebec) in general and vocational education colleges (CEGEP) (training administration technicians).

226. At university level, this kind of training is very widespread⁵⁷ in economic or social science faculties, or administration or management schools. Other structures such as productivity centres,⁵⁸ national management institutes or centres⁵⁹ can also be found, some of which occasionally specialise - for example, the national public administration schools (which train high-ranking officials),⁶⁰ construction and agriculture schools.⁶¹

227. This has prompted the creation of many consultancy firms which have above all focused on further training for management staff in enterprises without a training section, or in large enterprises which, although having their own training section,⁶² need courses that match their particular aims. Many associations of personnel or enterprise managers,⁶³ for example, also contribute to training managerial staff by organising courses, which encourage an exchange of ideas and experiences.

228. In some countries,⁶⁴ particular efforts have been devoted to training top-level management staff, given their importance for organising production. New management approaches, sometimes at a time of budgetary restrictions have, in several enterprises, meant that intermediate grades have been discarded and the vertical structure of organisation charts has flattened out, bringing production and decision centres closer together. These developments increase the need for training.

57 For example, Canada, France, Switzerland, United Kingdom, United States.

58 In particular, United Kingdom (Hong Kong).

59 For example, Cyprus and its Mediterranean Institute of Management with a programme for diploma holders lasting nine months in an enterprise and including three months of theory; Ireland and the Irish Management Institute; Switzerland and the Higher School for Economic and Administrative Managers (ESCEA).

60 In particular, Canada (Quebec), France, Tunisia and other African countries.

61 For example, Australia, with courses lasting 3 1/2 years to obtain a "Bachelor of Business", preparing students for managing large farms or industries with rural connections.

62 For example, Germany, Ireland (particularly the multinationals).

63 For example, United Kingdom: in 1987 an initiative was launched to improve the quality, quantity and accessibility of management and further training. A national forum directed by employers tries to bring together different contributors in the sphere of management training. It has established a code of practice (already signed by 600 employers), undertaken a reform of the management education system (consistency of diplomas, accessibility, flexibility, etc.), drawn up a guide to skills for the first two management levels, created a network of employers at local level (currently 30), introduced the Management Charter Initiative (MCI) and launched a promotion programme aimed at young persons.

64 For example, France; Germany, where enterprises have further training courses for middle-grade management and technicians; Norway.

229. In addition to there being more people to train,⁶⁵ there is the question of the content of training. The first management level covers mainly technicians or recognised specialists, often chosen for their technical skills. In general, they lack management skills and are not very adaptable to change. Therefore, enterprises are paying closer attention to them, first when they are recruited, and secondly when they try to provide them with further training.

230. Management training and further training programmes are increasingly diversified. Traditional institutional education, sometimes including alternating periods spent within an enterprise, is available, along with short-term⁶⁶ or tailor-made programmes.⁶⁷ This kind of programme, particularly "learning by doing", is considered by the ILO "the most effective technique for developing both managers and administrators and management trainers or consultants".⁶⁸ In some countries, programmes are offered to target groups.⁶⁹

231. In the countries of Central and Eastern Europe, the current transition to a market economy is causing, at least in concepts of management methods, upheavals which are having⁷⁰ and will have⁷¹ an impact on management training programmes. Existing programmes⁷² are being modified and new specialised management training centres are

⁶⁵ In particular France where, in 1988, 48 per cent of supervisors had training, compared to 43 per cent of senior management. In addition, this training lasted 50 hours per year, compared to 46 hours for senior managers.

⁶⁶ For example, Norway, where efforts are made to develop schools for managers and supervisory staff through year-long training and short courses. These measures also cover foremen.

⁶⁷ For example, Denmark, where in 1987 the Employers' Association (DA) launched a pilot project comprising a common-core syllabus for all branches of activity and specific subjects for 17 sectors of industry; United Kingdom (Northern Ireland), where a consultant grant scheme aims to encourage enterprises to employ a consultant to study management training needs and thus prepare a plan.

⁶⁸ ILO: Effective management and small enterprise development, ILO Management Development Programme, Geneva, p. 4.

⁶⁹ For example, Netherlands, where modular management training is planned for women returning to the labour market; United Kingdom (Northern Ireland), where a major programme is reported, aimed at the requalification of redundant managers.

⁷⁰ For example, Ukrainian SSR, where Order No. 166 (6/2/88) of the Council of Ministers makes provision for restructuring the further training and retraining system for management personnel.

⁷¹ For example Poland where, in 1989, in an effort to confront structural adjustment problems, the ILO Bureau for Employers' Activities outlined major channels of assistance to upgrade management skills.

⁷² In Poland, where there are periodical and compulsory further training programmes for managers.

being set up, often with the assistance of international bodies.⁷³ Training in new approaches to management is also being carried out through an increasing number of training periods for managers in institutions and enterprises in countries with a market economy and through passing on know-how in the framework of joint ventures.

232. In developing countries, management training needs are scarcely less important. Economic difficulties and structural adjustment programmes in particular have often reduced budgetary allocations to training bodies and institutions, whilst the demand for competent managers is growing. Given the difficulties, considerable efforts are being made to integrate management training programmes into the education system⁷⁴ and management institutes or centres.⁷⁵

(b) Self-employment

233. One consequence of structural changes in recent years is that greater importance has been accorded by governments to self-employment⁷⁶ and small- and medium-sized enterprises.

234. Recommendation No. 150 (Paragraph 31) advocates vocational training programmes for self-employment, including, in addition to training specific to the technical field concerned, training in the basic principles and practices of business management and of training other persons. Management training, much debated when the standards were adopted, has since been examined on several occasions within the

⁷³ For example, in Hungary with the creation of the International Management Center, an ILO project financed with assistance from the United States.

⁷⁴ For example, in Rwanda with a management department at the University's Faculty of Social, Economic and Management Sciences (UNR). For some countries in the Maghreb and the French-speaking sub-Sahara area of Africa, national schools for public administration.

⁷⁵ For example: Ethiopia; Ghana with the Institute for Management Training and Productivity; Guinea; Guyana; Kenya; Malta and the University's Workers' Participation Development Center which provides evening classes for workers of the Malta Dry Docks Corporation; Malaysia and the National Centre for Productivity; Mexico with the National Centre for Productivity (CENAPCO), which makes regional analyses of human resources and gives seminars, conferences, etc., and where the Federal Labour Act sets training plans for all jobs and levels in enterprises (in Mexico, there are also plans for training and further training of supervisory staff, staff within industrial, commercial and service enterprises); Trinidad and Tobago with the Management Development Center (MDC); Uruguay with the Central Training Body (COCAP).

⁷⁶ For example, in the United Kingdom where between 1979 and 1986, the number of self-employed workers rose by more than 150 per cent, from 94,000 to 246,000 according to an annual report in 1988 from the Department of Employment Career Service.

ILO.⁷⁷ In a recent report on self-employment, the ILO reiterated the definition of the self-employed as "own-account workers and employers (working owners of unincorporated businesses)".⁷⁸

235. In many countries, at least in regard to training, self-employed workers are associated with workers in small enterprises. "There are no lower limits to the size of a SE (which includes the formal and informal sectors represented by self-employed)".⁷⁹

236. The Committee notes that, in general, the recent assistance programmes for small- and medium-sized enterprises (SME) were launched within the framework of wider policies to combat unemployment. Their training component is very varied⁸⁰ and aims at persons intending to start a business as well as those already engaged in the day-to-day

⁷⁷ For example, ILO: A Plan of Action for Training, Retraining and Labour Mobility, Geneva, 1989, document GB.244/CE/1/1, para. 86: "Entrepreneurship and self-employment training in vocational and commercial training curricula need to be introduced as an option"; ILC, 77th Session, Geneva, 1990, Record of Proceedings No. 32, p. 20, para. 16(c) of the Conclusions concerning the promotion of self-employment: "Training programmes should emphasise the development of basic business and vocational skills and entrepreneurship."

⁷⁸ ILO: The promotion of self-employment, ILC, 77th Session, Geneva, 1990, Report VII, p. 1.

⁷⁹ Philip A. Neck, Robert E. Nelson: Small enterprise development: Policies and programmes, Management Development Series, No. 14, 2nd (revised) edition, ILO, Geneva, 1990, p. 2.

⁸⁰ For example, Australia where, in collaboration with the administrations of the states and territories, there is a New Enterprise Incentive Scheme (NEIS) which assists unemployed persons thought to be capable of starting up a small- or medium-sized enterprise, the assistance including, among other things, training; Belgium; Finland; France, where provision has been made for assistance through training advice for small- and medium-sized enterprises and where through external recruitment the State takes care of 30 per cent of the cost of replacing an employee who is being trained, providing remuneration on the basis of the average remuneration of a wage earner, salary earner, supervisor or technician in a small- or medium-sized enterprise or industry (fewer than 50 employees) for training lasting more than 120 hours; Ireland; Italy, where demand is increasing significantly, both in the informal sector and the underground economy; Japan, where legislation is planned for projects promoting training for small- and medium-sized enterprises; Netherlands, particularly for small businesses, including courses for migrants in Dutch, law, accounting, commerce; Portugal, where there are reports of training co-operative managers, providing four weeks of theory and a placement lasting six weeks; Spain with a programme for self-employed workers, which includes an allowance of 50 per cent of the inter-occupational minimum wage and for members of co-operatives and limited companies where workers are shareholders (Sociedades anónimas laborales); United Kingdom, where in 1989 an enterprise

(footnote continued on next page)

management of enterprises.⁸¹ Sometimes, these programmes have specific objectives and target groups.⁸² Courses are given in traditional training institutions or specialised institutes for SMEs.⁸³ Private initiatives have also been noted, for example in Canada,⁸⁴ to encourage entrepreneurship among students in secondary and further education.

237. Further training for the self-employed and staff of SMEs seems to be causing a few problems, in view of the difficulty for these workers in taking time off and participate in training programmes.⁸⁵ To remedy this, some countries are planning to make enterprises pay a percentage of their wage bill⁸⁶ into a fund to finance training programmes. In general, it seems that programmes for SMEs are relatively inefficient, mainly due to the large number of

(footnote continued from previous page)

development programme was created (Business Growth Training) to provide consultancy services and training support, according to the enterprise's stage of development and where the Manpower Services Commission, now called the Training Agency, launched different "conceptual" assistance plans for management training.

⁸¹ For example, Israel, where assistance to small- and medium-sized enterprises is available to identify training needs within the framework of expansion projects; France, where the SMEs (fewer than 15 employees) may enjoy higher tax-training credits (35 per cent, as opposed to 25 per cent for other enterprises) if they increase their expenditure on training from one year to the next.

⁸² For example, women in Australia (Western Australia), Finland, Netherlands (ethnic and cultural groups), and young persons in southern Italy, where Act No. 44, dated 28 February 1986, put forward urgent measures to develop enterprise creation for 18-29 year-olds.

⁸³ For example, United Kingdom (Northern Ireland), with the Small Business Institute (NISBI) which offers a full-time programme lasting 16-20 weeks to help unemployed persons, or those still in work, to develop an enterprise project. The NISBI also runs a Graduate Enterprise Programme (GEP).

⁸⁴ Groups of students are helped on a voluntary basis by teachers and enterprise managers or chambers of commerce to set up small- or medium-sized enterprises where each group has specific responsibilities for devising, producing, launching and selling a new product or service.

⁸⁵ To solve this problem, some countries, including Australia, have established short, intensive training and retraining courses in managing small- and medium-sized enterprises, and the ILO, assisted by Sweden, has developed a workbook and handbook on managing a small- or medium-sized enterprise, helping entrepreneurs to train themselves, particularly in developing countries (Improve your business, Geneva, 1988).

⁸⁶ For example, in France, where the statutory minimum was 1.2 per cent in 1987 (0.8 per cent in 1972), while the real average expenditure on continuing training has been around 2.5 per cent in recent years.

enterprises, and the problems of information and co-ordination between the responsible bodies.⁸⁷

238. In some countries, enterprises themselves have found ways round these difficulties. For example, inter-enterprise training programmes have been set up,⁸⁸ geographical or production-related groupings have been established,⁸⁹ and special joint training funds have been created.⁹⁰ In various developing countries, assistance programmes for self-employment and SMEs include training measures⁹¹ and support for persons who have finished training.⁹²

⁸⁷ For example, in the United Kingdom, where a 1986 study showed that in northern England SMEs have not benefited from the assistance projects available (Regional Development and Vocational Training, Regional Monographs, CEDEFOP document, Berlin, 1986, pp. 1-55).

⁸⁸ For example, France, where the State finances assistance for training methods and technology consultancy, if the small- and medium-sized enterprises join together for training purposes; Germany, where weekly teaching for apprentices is often given in inter-enterprise centres which are also important for further training; Japan; Switzerland with an apprentice rotation system; United Kingdom.

⁸⁹ For example, in Canada (Quebec, furniture industry), Denmark, Italy. See studies of the International Institute for Labour Studies, ILO, Geneva.

⁹⁰ In particular in France with the creation, in February 1989, of a joint training insurance fund for small- and medium-sized enterprises by the Confederation of Handicrafts and Small Building Enterprises (CAPEB) and for trade unions allowing for 0.1 per cent of the wage bill of enterprises with ten employees and under for continuing training (145,000 SME).

⁹¹ For example, Afghanistan, where the Ministry of Mines and Industries has a training centre for small-scale industries; Côte d'Ivoire with the Côte d'Ivoire School of Jewellery-Making and Allied Trades (EIBMA) which provides, inter alia, management training for craft enterprises; Cyprus, where subsidies to SMEs are available for courses at the Mediterranean Institute of Management; Ecuador with a national programme for micro-enterprises; Mexico with the National College of Vocational and Technical Education, the National Productivity Institute for Further Training in SMEs, the Secretariat of Labour and Social Insurance where there are retraining programmes, particularly for the SMEs, the joint programme of the Secretariat of State for Education and the central training body for small- and medium-sized enterprise workers and owners, the programme of full SME support, including management training; Philippines, where section 44 of the Labor Code mentions training in entrepreneurship and self-employment in terms of assistance to individuals and small enterprises; Nicaragua where management training exists, including mobile training, for co-operatives and small-scale producers; United Republic of Tanzania; Uruguay, where the central training body (COCAP) offers courses for self-employed workers, including distance learning.

⁹² For example, in Egypt with subsidies for purchasing equipment and tools and accelerated training allowing graduates of universities or higher or secondary educational establishments whose qualifications are not in great demand to launch their own enterprise.

Section 5. Financing vocational training

239. Convention No. 142 does not cover the financing of training. Recommendation No. 150 refers to it in Paragraph 72: "... provision should be made for ... providing adequate financial support for implementing the programmes". Other Paragraphs in the Recommendation contain no specific guide-lines advocating one form of financing in preference to another.

240. Paragraph 4(5) of the Recommendation does however encourage "undertakings to accept responsibility for training workers in their employment"; and Paragraph 17 provides that "every effort should be made to develop and utilise to the full, if necessary with public financing, existing and potential vocational training capacity, including the resources available in undertakings, in order to provide programmes of continuing vocational training".

241. Training expenses may involve investment in premises and materials, the remuneration of trainers and administrative support staff, even remuneration of trainees (particularly in the case of apprenticeship),⁹³ their insurance cover⁹⁴ and, if necessary, other costs connected with grants or allowances for meals, accommodation or transport.⁹⁵

242. For various reasons, including budgetary restrictions, particularly during structural adjustments, or the cost of material and working documents,⁹⁶ there is a tendency to try to ease the burden

⁹³ With regard to apprenticeship, the work carried out may indeed be of some value, but normally the objective should above all be educational (in Belgium, payment by results is forbidden for apprentices) and not just to provide a marketable product. It is common for the payment of apprentices to rise from year to year and be set by legislation, regulations or collective agreements as a percentage of the statutory minimum wage (for example, Belgium, France, Guyana, Jordan, Philippines) or collective agreements. In Chile, under the Labour Code, apprenticeship remuneration must be freely agreed between the parties. Moreover, Paragraph 23(1) of Recommendation No. 150 states that: "workers being training within an undertaking should: (a) receive adequate allowances or remuneration; ...".

⁹⁴ Paragraph 23(1)(b) states that these workers should "(b) be covered by the social security measures applicable to the regular workforce of the undertaking concerned." Although little information has been received on this subject, it is possible that this kind of cover is widespread. This is the case, at least in Germany, Switzerland (with regard to accidents), Turkey (borne by the State). In Saudi Arabia, all students at training institutes or centres receive not only an allowance but also social and medical services.

⁹⁵ For example, Australia, Denmark, Ireland.

⁹⁶ Already in 1975 in Switzerland, where apprenticeship is particularly developed, it had been calculated that the authorities such as the Confederation, cantons and communes, had spent some 800 million Swiss francs on training 147,000 apprentices and, in the same year, 1,000 million Swiss francs on 64,000 young persons in higher secondary education.

on public finances by making enterprises pay more towards training costs. Paragraph 17 of the Recommendation is thus all the more relevant, and not just with regard to the role of small enterprises and those practising craftsmen who, whilst receiving little assistance themselves, particularly in developing countries, are a considerable source of skill acquisition. Similarly, there is growing interest in the means of increasing the output of training institutions: "education with production", greater use of installations and instructors, considerably increasing the number of persons trained by adapting timetables, reducing the length of training placements, trying to reduce the drop-out rate, and greater co-ordination between selective training actions and investment programmes.

243. However, it should be noted that financing systems are not neutral, and their effects often go beyond the area of financing. They may indeed be one of the main springboards for training policy.

244. The various systems for financing vocational training and guidance cover initial and further training and retraining. The training levies for all training, including continuing training, lifelong education and apprenticeships may also be included in such systems.

245. When financing is provided entirely out of public funds, the general state budget sometimes assumes full responsibility. The State then oversees the allocation of resources, taking a leading role in determining needs and creating programmes. The State invests, subsidises, and pays remuneration and fellowships. This is how national education functions almost everywhere, with the exception of private education, which may still be subsidised.

246. Mixed systems involve co-operation between the State and enterprises. The main source of finance for such systems in various countries⁹⁷ is a levy which is a percentage of the wage bill (from 1 to 2 per cent in most cases), paid by enterprises. The levy may be paid in advance, giving entitlement to free training benefits, or reimbursed in part or in full on written proof that training is provided by the enterprise, the State sometimes requiring prior agreement to the training. Payment of the levy may also be postponed, or even cancelled, provided proof can be given at the end of the fiscal year that the enterprise has provided a certain amount of training.

⁹⁷ Such a levy has been fundamental to the creation and running of most of the aforementioned central training bodies in Latin America. It is also found in Cyprus; in Côte d'Ivoire and Guinea the levy finances a body responsible for promoting and co-ordinating training; it is found also in Gabon, Ireland, Kenya, Netherlands, Nigeria, Singapore, Tunisia, Turkey, United Kingdom and Zimbabwe. In some countries, the levy varies slightly according to the branch of activity, in particular in Ireland, Kenya and United Kingdom (in those branches which are still covered by the training offices (ITB) and where a levy increase requires parliamentary approval). In general, the social partners are involved in managing the funds set up to collect these levies (this is particularly the case in Netherlands and United Kingdom).

The system provides certain incentives in France, for example, with the so-called apprenticeship levy, which dates back to an Act of 1925.

247. Recent years have seen the development of a variant which makes it compulsory to devote a minimum percentage of the enterprise's wage bill to training or to pay the difference into a fund. This applies in France for continuing training; Hungary where, under an Act of 1988, 1.5 per cent of the wage bill must go towards training or be paid into a fund for vocational training; and in Australia, under an Act of 1990.

248. Incentives in the shape of tax allowances or a tax credit are sometimes provided. A deduction from corporation tax or a tax on profits is then made.⁹⁸

249. In the Federal Republic of Germany, under an Act of 1976 to promote apprenticeship, enterprises failing to reach a certain rate of increase in the number of places offered to apprentices had to pay a tax of 0.25 per cent of earnings, which was then passed on to enterprises which had exceeded the rate. The Act very quickly achieved its objectives, all enterprises having made an effort to exceed the required threshold.

250. In France, the "apprenticeship levy" is unusual because, whilst representing a percentage of wages to be disbursed one way or another before the end of the fiscal year in question (by training apprentices or paying the money to the public revenue department, bodies or institutions), it gives enterprises the chance to opt out of providing training themselves and to choose the institution which should benefit from the finance. As a result, institutions now compete to obtain this financing.⁹⁹ Furthermore, the system encourages interaction between enterprises and training institutions in determining programmes according to needs.

251. Private systems may be financed either by enterprises or by individuals. Mixed financing systems also exist.

252. In the first case, enterprises pay for training but do not receive any reimbursement or tax benefit. For example, in the United States, car manufacturers have invested quite considerably in training their workforce.¹⁰⁰ In addition to operating their own centres, the

⁹⁸ For example, in France, the "tax-training credit" is a system set up by the budget in 1988, and consolidated in 1989, encouraging enterprises to spend more on training: they may receive a tax credit equalling 25 per cent of the additional expenditure on training from one year to another (up to 1 million French francs); the rate is raised to 40 per cent for expenditure on training the least skilled workers. The tax credit system has been practised for a long time in Brazil (Act of 1975) and Chile (Act of 1976). Chile also graduates the deductible percentages in favour of those in the lowest-grade employment. A tax credit is applied in the Philippines for enterprises which launch updating programmes.

⁹⁹ To maintain the initial objective, given the diversity of training levels in the institutions receiving the finance, it has been necessary to stipulate that at least 20 per cent must be devoted to apprenticeship.

¹⁰⁰ ILO: Social and Labour Bulletin, No. 1/90, p. 108.

companies pay for the tuition of several hundred thousand workers attending work-related college-level courses. Other enterprises offer grants, set up institutions or provide them with audio-visual or computer material.

253. In the second case, individuals themselves pay for their training. For example, in West Africa, parents traditionally pay the master craftsmen who then take on the apprenticeship of a young person.¹⁰¹ Experience shows that people may be prepared to pay for their own training so long as the benefits are clear.

254. In April 1984, in Denmark, a training fund contributed half each by employers and workers was set up to cover the costs of adult vocational training. In other countries, particularly the United Kingdom, an effort is being made by virtue of loan systems to encourage the financial participation of those concerned in the costs of their training. In Japan, training costs are borne partly by individuals (1.3 per cent of the GNP), partly by employers (less than 1 per cent of GNP), and the balance by the State; total expenditure is just under 4 per cent of national income.¹⁰²

255. Many countries have chosen one system from among those mentioned above, not only hoping to promote human resources development but also in order to share the financial burden with enterprises. Regardless of whether the method chosen consists of levies (the State then taking on responsibility for redistributing the money), tax deductions (the enterprises deducting training expenses from the amount they owe) or taxes being freely allocated to an institution chosen by the enterprise, the effects seem to go far beyond the area of mere financing. The profile and motivation of the participants, the content and teaching methods, the major strategic choices made by institutions, the means of communication with the market and the structure of the enterprises may also be involved.

256. Efficiency and equity vary among systems, and these issues are very controversial. Recently, for example, the Employers' group of the Committee on Employment of the ILO Governing Body was not in favour of a levy scheme, supporting the view that training should be seen as an investment in human capital rather than as a cost. The Workers' members at the Committee stated that if this was the case the need for training should be obvious and that there should be further investigation of the role that levy and rebate schemes might play in this process.¹⁰³ Some observers point out that the institution of a contribution based on the wage bill could be seen by employers as tantamount to an increase in wages; some that incorporating the contribution into the cost price means that the cost is finally transferred to consumers; others that training is an important way to improve productivity and thus help to lower prices. Many insist that levy systems are a way of evening out training costs among enterprises, avoiding the risk of some enterprises profiting by

¹⁰¹ Under the rules in force, such a system would, on the other hand, be forbidden in the United Kingdom (Hong Kong).

¹⁰² ILO: Social and Labour Bulletin, No. 1/90, p. 103.

¹⁰³ See ILO, Geneva, 1989, document GB.244/14/14, paras. 4 and 5.

recruiting workers trained by other enterprises. In Germany, employers who make a great contribution to training, have resisted the introduction of a levy system; a fund established through collective agreements and made up of compulsory contributions has been created in the construction industry.

257. A practical guide, setting out examples from relevant documents and technical co-operation, would probably help member States to develop the system best suited to their national conditions, in the spirit of paragraphs 2 and 3 of Article 1 of Convention No. 142, and to meeting their objectives. Determining factors include the size and prosperity of enterprises (whether they can invest in training), their attitude to training (whether they want to invest), management of the institutions (are there competent trainers and suitable teaching materials and whether they enjoy credibility with large and small enterprises), the reliability and competence of public agents (whether the levy all goes into training), and the existence and relative importance of technical co-operation. With regard to developing countries, the importance of the informal sector is probably not a fleeting, marginal phenomenon but rather something which covers many if not most activities, particularly in urban areas. Simply transposing levy systems in force elsewhere, when there are only a few large enterprises capable of paying and in any event loathe to share costs with small informal enterprises, appears unlikely to give the desired results. Côte d'Ivoire provides a good example of a case where attempts are made to adapt to the local context: out of the 1.2 per cent levy to be paid, enterprises must devote half to training and pay the other half into a special account held in the name of the FNR (National Regularisation Fund); some of this money may be spent on financing "collective projects" which may include crafts and the informal sector.



CHAPTER IV

PROGRAMMES FOR PARTICULAR AREAS OR BRANCHES OF ECONOMIC ACTIVITY

258. Although Convention No. 142 specifically states that vocational training systems should be gradually extended to all sectors of the economy and branches of economic activity,¹ Recommendation No. 150 reflects the concern of governments and the social partners to pay special attention to areas or branches of economic activity "in which comprehensive improvement action or major structural change is required".² This instrument specifically deals with rural areas, branches of economic activity using obsolescent technologies and methods of work, industries and undertakings in decline or converting their activities and new industries.³ Although the informal sector is not specifically mentioned in the standards, it will also be examined in this chapter.

Section 1. Rural areas

259. Recommendation No. 150 gives attention to programmes for rural areas because, when it was being drafted, there was an awareness that problems existed, especially in developing countries, to which the Vocational Training (Agriculture) Recommendation, 1956 (No. 101), hardly alluded; and that there was a need to take steps to modernise the rural sector, introduce improved educational and training methods and broaden the personal scope of programmes and campaigns to achieve equality of opportunity of the rural and urban populations as regards vocational guidance and vocational training.⁴

260. Recommendation No. 150 states that the basic aim of programmes for rural areas is to achieve full equality of opportunity for the rural and urban populations as regards vocational guidance and vocational training.⁵ Generally speaking, the reports examined do not specifically mention this objective; at most, a number of national authorities seem to consider that it is achieved by the

¹ Article 4.

² Paragraph 32(1).

³ Paragraphs 34 to 37; 38 to 41; 42 to 43; and 44, respectively.

⁴ ILO: Human resources development: Vocational guidance and vocational training, Reports VIII(1) and VIII(2), International Labour Conference, 59th Session, Geneva, 1974, pp. 39-51 and 27-31, respectively.

⁵ Paragraph 34(1) of Recommendation No. 150.

implementation of appropriate programmes or that equal opportunity is no longer a national issue. In Germany, for example, the Government points out that the imbalance in training that previously existed between urban and rural regions has to a great extent disappeared; but it acknowledges that young people from rural areas are still encountering considerable difficulties in finding training positions outside the agricultural sector; however, older agricultural workers are affected by the consequences of structural change in agriculture and, bearing this in mind, the Government has taken measures to alleviate the social consequences of this change.

261. These programmes should also take account of trends in migration between rural and urban areas.⁶ The reports tend to have little to say on this subject, except when referring to cases of workers leaving agriculture or diversifying their activities - which does not necessarily involve migration. Since 1986, Canada has been conducting a rural transition programme (CRTP) to help those who give up agricultural work and look for different work. Assistance includes counselling, incentives to employers to hire family members, relocation, training and travel allowances and income support if a new business is established. In Germany, young tenant farmers, especially those on small-scale farms may take part in a vocational training programme for non-agricultural work in order to obtain income-earning opportunities outside the agricultural sector. There are also redeployment programmes in Spain.

262. Programmes covered by the Recommendation should make adequate provision for the special vocational guidance and vocational training needs of both agricultural workers and persons engaged in non-agricultural occupations, whilst taking account of differences in needs according to the type of rural activity involved and its degree of mechanisation, specialisation and modernisation.⁷ To this end, a number of countries have set up national boards or institutes to plan, develop, supervise, co-ordinate and apply vocational guidance and training programmes for rural areas.⁸ The activities of these boards and institutes and the schools under them are extremely varied; but the reports do not specify to what extent they take account of and respond to rural workers' needs. In Argentina, for example, the National Technical Education Board (CONET) is attempting to develop vocational training not only to meet the needs of rural life but also to promote productive activity: part of its programme is to organise courses in rural carpentry, electricity for rural areas, general mechanics or rural construction. Mexico and the Netherlands are also examples of countries in which training is

⁶ Paragraph 34(2) of Recommendation No. 150.

⁷ Paragraph 35(1) and (2) of Recommendation No. 150.

⁸ Algeria, technical agricultural institutes; Argentina, National Technical Education Board (CONET); Guyana, Agricultural School of Guyana; Mexico, General Board of Technical Agricultural Instruction (ETA); Portugal, Vocational Training Centre for the Agricultural Sector (CENTAGRA); United Kingdom, Agricultural Training Board; and Venezuela, National Institute of Agricultural Education Co-operation (INAGRO).

extremely diversified in such areas as forestry, stock-raising, fishing and horticulture.

263. Amongst the different measures taken by governments in various fields, mention should also be made of financial subsidies for vocational training or further training. In Germany, tenant farmers receive financial assistance when they undergo vocational retraining; none the less, it has not been felt necessary to draw up special vocational guidance and training programmes for rural areas. In the United Kingdom, the Training Agency takes stock of recent training including in enterprises in rural areas in order to identify the needs of rural residents; the Youth Training Scheme includes a wide range of courses for rural occupations. Under a project in Argentina, those from rural areas may receive vocational training for agricultural tasks and primary sector trades during their military service. Other countries also refer to rural training programmes, including training in the new technologies of agriculture and stock-raising.⁹ In an attempt to come to grips with concealed unemployment, Turkey offers short-term occupational training courses. In Germany, the social partners actively participate in formulating standards which regulate training and further training in the agricultural sector, so that the systems may match the needs of the job market. A number of countries have introduced projects on the environment: there are several development projects concerning rural areas in the United Kingdom.

264. A number of reports refer to training in the organisation of co-operatives and agricultural enterprise management,¹⁰ without, however, going into details as to the content or form of the programmes. In Argentina, CONET is developing training in the management of agricultural and co-operative enterprises. In the United Kingdom, the agricultural training agency provides training in enterprise management and organisation. As regards countries in which vocational guidance and training facilities and programmes for rural areas are as yet little developed, reports mention only that national vocational training agencies and services exist. Although a number of countries are not in a position to provide adequate services for the rural population as a whole and might concentrate action temporarily on specific geographical areas or categories of workers,¹¹ as provided for under Recommendation No. 150, the Committee notes that the reports make no mention of this.

Section 2. Specific branches of activity

265. Like rural areas, branches of economic activity under the terms of the Recommendation "using obsolescent technologies and methods of work" have been considered worthy of particular attention. The Recommendation advocates that vocational guidance and vocational training programmes should be developed as appropriate along similar lines to those for rural areas, particularly with respect to equality

⁹ For example, Mexico and Spain.

¹⁰ For example, Argentina, Mexico and United Kingdom.

¹¹ Paragraph 37 of Recommendation No. 150.

of opportunity between rural and urban populations. These programmes should enable persons employed in or entering these branches of activity to participate in or contribute to the modernisation of methods and products and to benefit from changes introduced. It is impossible to determine from the information contained in the governments' reports to what extent these provisions of the Recommendation are put into effect. Indeed, most of the measures mentioned refer to policies to combat unemployment. They particularly concern workers affected by the reconversion of industries or enterprises and will be examined in the following section.

Section 3. Industries and enterprises in decline or converting their activities

266. During the past few years, the industrial structures of many countries have undergone profound upheavals. Changes in the supply and demand of goods and services have been brought about by changes in the price of sources of energy, the introduction of new technologies, shifts in the relative share of branches of activity, the opening up of markets on a world scale and environmental concerns. As mentioned above, the emergence of new goods and services and the introduction of new production methods often require further training and retraining programmes to maintain jobs; they may also lead to the closure of enterprises and sometimes even to the disappearance of whole branches of activity.¹²

267. Recommendation No. 150 provides for specific measures for industries or enterprises in decline or converting their activities.

268. As regards the first case, Paragraph 42 of Recommendation No. 150 states that when industries or undertakings begin to decline, workers affected should receive vocational guidance and vocational training to facilitate a change in skills and provide the opportunity of finding new employment.

269. To stem the tide of mass redundancies, a number of countries have already introduced provisions in their legislation in such areas as periods of notice of dismissal, severance pay, vocational guidance and training and retraining programmes. In this respect, the Committee recalls the provisions in the instruments of 1982 on termination of employment.¹³ Some countries, including France, set up ad hoc bodies to help workers choose amongst the options open to them; these may include early retirement, the immediate payment of capital and retraining.¹⁴ Particular attention should be paid to retraining at the time of mass redundancies: factors such as age, education, mobility and the number of persons involved may limit its efficacy

¹² For example, in the coal mines and iron and steel industry in a number of European Community countries.

¹³ Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982.

¹⁴ For example, 30 per cent of persons made redundant as a result of restructuring (1985-88) in Dunkirk followed a training scheme.

and should therefore be taken into account; personal follow-up¹⁵ and concerted and continuous action become vital at this stage.

270. In many countries, training after termination of employment¹⁶ is provided through existing educational and training structures; but, given the importance of the issue, some governments have made training a priority¹⁷ by introducing assistance measures which take account of the scale of the problems. For example, in Central and Eastern European countries, where structural changes are expected to be major, the approach will have to be more global¹⁸ because there will be a surplus of staff in a number of sectors at the same time; in some other countries, measures are aimed at branches of activity in difficulty¹⁹ or depressed areas.²⁰

¹⁵ For example, France with local "reconversion committees".

¹⁶ For example, Australia with technical and further education institutes (TAFE); Spain (Legislative Decree on industrial reconversion of 30 November 1983), where reconversion projects are agreed upon with the social partners and provide for other training programmes and schemes; Ireland with part-time retraining in most cases on new technologies and upgrading skills; Japan, where enterprises provide continuous training with support from public institutions, except in the case of redundancies following industrial restructuring, which are the responsibility of the public authorities.

¹⁷ For example, Canada (New Brunswick).

¹⁸ For example, Germany, where a joint statement (18 September 1990) from the Employers' Confederation (BDA) and the German Confederation of Trade Unions (DGB) insisted upon the need for vocational training and proposed the setting up (for the new eastern Länder) of "skill upgrading institutes" which would be in charge of organising training measures; Byelorussian SSR, where there are important retraining programmes; Poland, where the Commission of the European Communities is planning to set up a foundation for vocational training, whose role will be to study retraining needs, propose programmes and to finance them; Ukrainian SSR, where, since 1988, retraining centres for workers have been set up in the industrial and agricultural sectors; USSR, where new placement and retraining centres have been set up (Order No. 37 of 1990); Yugoslavia, where retraining programmes for new technologies are being conducted by the employment communities - these programmes will probably have to be expanded with the restructuring of the economy.

¹⁹ For example, in 1986, the European Community financed measures - including retraining - to workers forced to change their job in the iron and steel industry and coalmining in Belgium, France, Germany, Italy, Netherlands, Portugal and United Kingdom; India, where in 1987 the State gave a grant to textile workers to enable them to receive 75, 50 and 25 per cent of their pay, during the first, second and third years after being laid off, in order to find a job or follow a retraining course; Netherlands, where the Government participated in the retraining of workers in the textile and building industries.

²⁰ The European Community provides financial assistance to regions undergoing economic reconversion: see regional monographs on this subject published by the European Centre for Vocational Development and Training (CEDEFOP).

271. Retraining may take different forms, when for example it is undertaken by a worker who leaves of his own accord,²¹ precedes dismissal, or contributes assistance to employers.²² In Canada, the Federal Canada Employment and Immigration Commission has launched the Canadian Jobs Strategy, one of the components of which deals with acquiring skills. This programme provides grants for training workers for technological change, mobility assistance and various other measures of occupational adjustment.

272. Structural adjustment programmes carry social costs and governments cope with these in various ways, including programmes to combat unemployment, reorganisation of their training policies and redeployment activities. However, the government reports concerning vocational training with a view to redeployment do not give any indication of the importance now or in the future of this vital issue - one which the Governing Body has decided to include on the agenda of the 79th (1992) Session of the International Labour Conference in an item entitled "Adjustment and human resources development".

273. As far as industries or enterprises converting their activities are concerned, Paragraph 43 of Recommendation No. 150 stipulates that "workers affected should in good time receive training, organised in co-operation with the industries or undertakings concerned, to enable them to adapt themselves to their new tasks". Retraining can help cope with the impact of structural adjustment, which requires the adoption of new production techniques and constant changes in the skills required of the labour force.²³ A number of countries organise programmes to retrain workers affected by structural adjustment and technological development.²⁴ Moreover, some of the reports examined refer specifically to training measures and courses linked to the reconversion of enterprises and retraining of workers.²⁵ In Austria, for instance, grants are given to enterprises whenever a reduction in or reconversion of their activities might affect the employees in the short term. In Sweden, grants may be provided to employers for training workers whose skills have become obsolete and whose jobs have changed as a result of

²¹ For example, France, where retraining leave is available for employees threatened with redundancy: they may volunteer for a four-month training course if an agreement has been concluded between the State and the enterprise; in addition, a training-retraining grant is also provided for following an agreement (April 1988) between the State and the employment insurance body (ASSEDIC); Switzerland, where in 1986 preventive measures, such as retraining for those insured under the unemployment insurance schemes threatened with imminent unemployment, give positive results.

²² Japan, where employment adjustment subsidies are paid to sectors in decline which, instead of laying off their workers, undertake vocational training measures for their workers.

²³ ILO: Training, retraining and labour mobility, Geneva, Nov. 1988, doc. GB.241/CE/1/2, para. 1, and Annex, p. 1, para. 3.

²⁴ *idem.*, Annex, p. 5, para. 23.

²⁵ For example, Austria, Cyprus, Finland, Italy, Spain and Sweden.

structural change within the enterprise. In Spain, the Job Solidarity Fund finances occupational training carried out within the enterprise itself or through employers' and workers' organisations to help workers adjust or retrain if there are technical changes in production methods: one of the aims of the National Training and Occupational Integration Plan is to develop further retraining and training in occupational skills with a view to adapting instruction to the needs of the production system. In Cyprus, retraining is designed for workers made redundant as a result of technological or structural change to enable them to take on jobs: it is carried out within the enterprise and employers receive grants to cover, amongst other things, instructors' pay and the costs of equipment required for training. In Finland, retraining is organised for persons whose career prospects have deteriorated as a result of structural change within the economy and within the occupational structure itself. Some countries have training centres or programmes for workers threatened with unemployment or who wish to take the courses or are sent by the enterprises employing them.²⁶

Section 4. New industries

274. The establishment of new industries may require vocational guidance and vocational training measures that take account of certain specific needs and requirements. Recommendation No. 150 stipulates that account should be taken of needs for workers, including independent workers, for specialists, managers, administrators and subcontractors, and the need to provide information, vocational guidance, vocational training and vocational retraining for persons whose knowledge and skills are rendered obsolete, and the need to provide new opportunities for independent workers and entrepreneurs whose businesses suffer from the competition created by the new industries.²⁷ Government reports do not usually refer to vocational guidance and vocational retraining programmes specifically set up in connection with the establishment of new industries and taking account of the above-mentioned factors. However, Finland mentions the existence of courses for workers in new enterprises. Furthermore, some measures that apply mainly to branches of economic activity in which working techniques and methods are becoming obsolete and to industries converting their activities, as well as those concerning the introduction of new technologies, might possibly respond to the needs and requirements inherent in the establishment of new industries; the Committee has no precise information from the governments on this matter.

Section 5. The informal sector

275. Purely and simply transposing from the "modern" sector to the informal sector has rarely been successful. However, methods and

²⁶ For example, Finland and Netherlands.

²⁷ Paragraph 44 of Recommendation No. 150.

systems specifically drawn up or adapted for the "formal" sector can increasingly be applied, given the importance of the informal sector, which is covered implicitly by various provisions of the instruments in question.

276. Among small-scale artisans, traditional apprenticeship is still an important way of acquiring skills, costing the State virtually nothing. In Africa, for example,²⁸ attempts are being made to provide apprentices - and at the same time their apprenticeship masters - with additional theoretical knowledge, allowing them to improve and update their techniques. Training is dispensed by mobile training units or central support workshops, administered if possible by local groups of artisans.²⁹ Apart from providing the opportunity for self-training, workshops of this type have the added advantage of equipment to which few, if any, of the local artisans have access to produce their own goods. In Costa Rica, for example, the National Apprenticeship Institute is attempting to promote the system of "mecanotheques" or open workshops, where craftsmen may go to make or put the finishing touches to a piece of work, whilst receiving advice from an instructor.

277. By working through these groups of artisans, workshops or central organisations, it is possible to meet vital needs for further training and provide an introduction to the rudiments of managing a micro-enterprise - including bookkeeping, ways of obtaining credit, drawing up estimates or specifications, reading schedules, equipping a workshop, maintaining tools, occupational safety and health, labour legislation, ways of reusing scraps or off-cuts and the manufacture of tools or spare parts. This method also facilitates literacy training if necessary or gives guidance on how to sell goods on the market. The Committee has been informed that the ILO has experimented in the introduction of grass-root management training (GMT) in the field, which is particularly adapted to people who are illiterate or nearly illiterate;³⁰ this system uses a hundred or so drawings and some 12 skits to convey a message to heads of micro-enterprises in the informal sector, especially women. These drawings and skits usually describe scenes at the market or workshop and depict everyday events

²⁸ An ILO study estimated that nearly 85 per cent of small entrepreneurs in the urban informal sector in Africa have received traditional apprenticeship training (doc. GB.241/CE/1/2, para. 77). Concerning Asia and training in the informal sector, Report II to the Tenth Asian Regional Conference of the ILO (p. 45), when referring to informal training, states that: "its prevalence in the current decade is not necessarily the result of historical preference for this form of learning but more likely of the social, educational, financial constraints which keep young people and adults away from organised and planned forms of vocational training".

²⁹ See, for example, C. Maldonado: "The underdogs of the urban economy join forces - Results of an ILO programme in Mali, Rwanda and Togo", in International Labour Review (Geneva, ILO), No. 1, 1989, pp. 65-84.

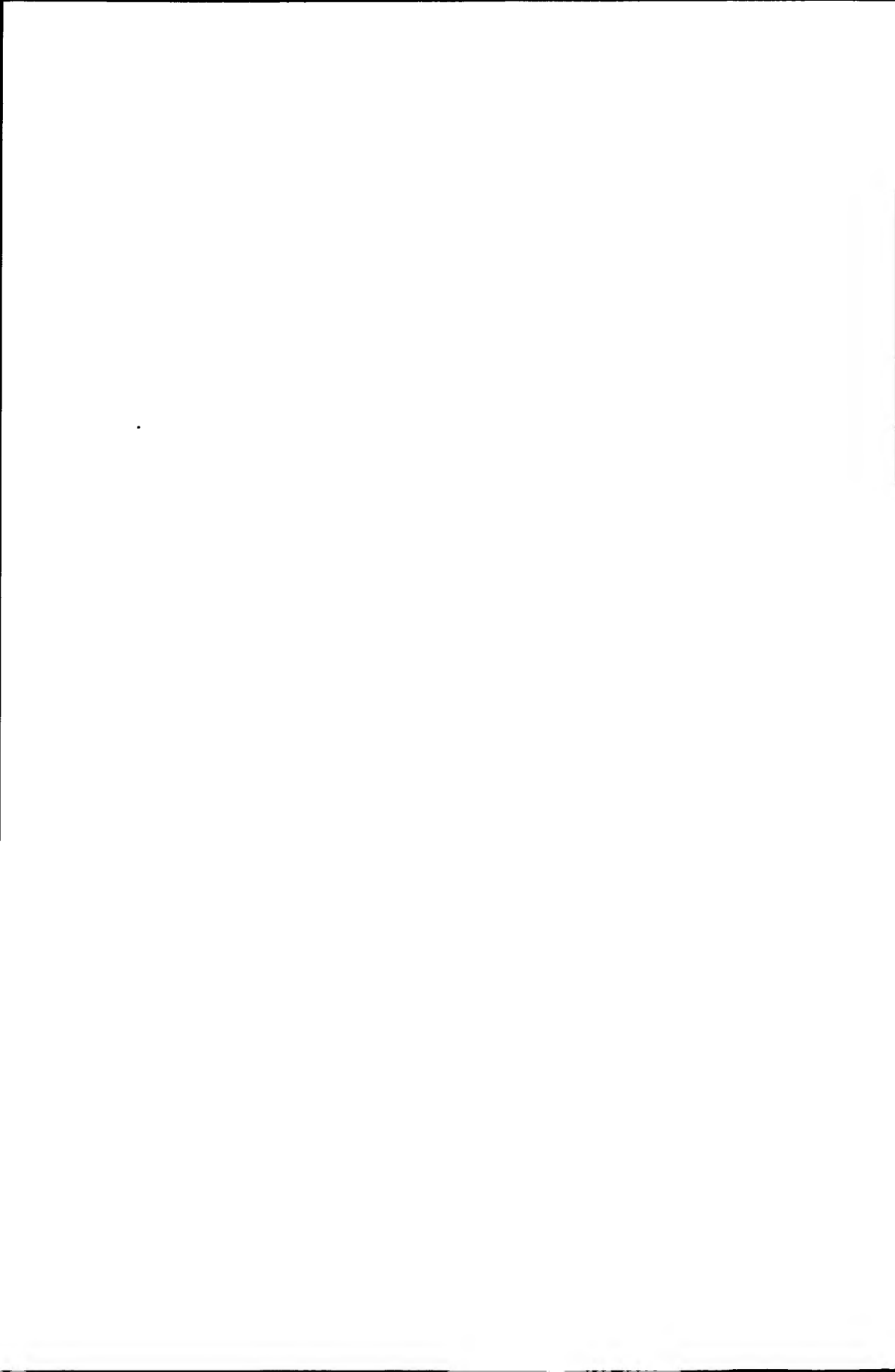
³⁰ For example, Côte d'Ivoire, Kenya and United Republic of Tanzania.

to which the participants may relate. Whatever pedagogical support is used, it must be linked to practical issues encountered by workers in the informal sector and centred on problems they have to solve, and advice is also given during the training.

278. The advantage of various schemes used is that they make up for the shortcomings of official institutions which require a certain level of prior instruction. Co-operation with non-governmental organisations which are well versed in the conditions in the informal sector is of specific interest in this context.

279. A number of countries have made special efforts in this sector. In Brazil, for example, there are various programmes to help workers build and maintain their own dwellings or provide assistance for the management of micro-enterprises. In Chile, the Act of 1989 on the status of training and employment provides for the training by the State of self-employed workers living on the fringe of society or in conditions of extreme poverty in urban or rural areas; assistance is also provided to these workers and their families. In Colombia, the central body, SENA, dispenses training which is specifically geared to these elements of society, as part of a programme to help the people improve their occupational status. In Ecuador, training programmes are organised for the informal sector, especially in the cities. The Government of Jordan refers to efforts made by officials of the national occupational training organisation or counsellors to persuade young people who have left school and are employed in small workshops to enrol in a regular vocational training course: when visiting these young people, it is not uncommon for the officials to assist artisans.³¹

³¹ Industrial training, UNDP/ILO Thematic Evaluation Study on Industrial Training, para. 212.



CHAPTER V

PROMOTION OF EQUAL OPPORTUNITY

280. Article 1, paragraph 5, of Convention No. 142 stipulates that vocational guidance and vocational training policies and programmes "shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society". Recommendation No. 150 defines these objectives in the same terms and stipulates that Members should aim in particular at "ensuring that all have equal access to vocational guidance and vocational training" (Paragraph 5(2)(a)).

281. As the Committee noted in its 1988 General Survey on Equality in Employment and Occupation, equal access to training is considered a determining factor in gaining access to employment and occupation in many countries which have adopted constitutional and legislative provisions and regulations to this effect.¹

282. The effective implementation of equal opportunity and treatment requires positive measures to correct discriminatory practices which may subsist despite legal declarations of the principle of equality. Such inequalities affect particularly certain groups or categories of the population which Recommendation No. 150 has identified mainly in Parts VII to IX. The persistence of inequalities gives special importance to the specific provisions of the Recommendation concerning the measures to be taken, in particular as regards vocational guidance and vocational training, so that the groups or categories in question may enjoy equal opportunity in employment. In examining below the effect given to the provisions of Parts VII to IX of Recommendation No. 150, the Commission will restrict itself to the information contained in the reports and refrain from repeating observations contained in its earlier general survey of 1988.

Section 1. Promotion of equal opportunity in training and employment for men and women

283. Under the terms of Recommendation No. 150, measures should be taken to ensure that men and women have equal opportunity in

¹ ILO: Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4B), ILC, 75th Session, Geneva, 1988, paras. 77-82.

employment and society in general, and, in the application of these measures, account should be taken of the provisions of the 1964 Employment Policy Convention (No. 122) and Recommendation (No. 122). The principle of equality of opportunity as between men and women, although often incorporated within the constitutional framework of equal rights, is also included in legislations which expressly prohibit discrimination on the ground of sex or which make provision for equal rights without discrimination based on sex.² The principle is implemented by policies which make primary, technical and vocational education available to everyone free of charge³ and measures seeking to abolish discriminatory practices. Such discriminatory practices are fairly widespread and are generally the result of prejudice and traditional attitudes concerning the roles of women and men in society and working life, and which the Recommendation wishes to see modified (Paragraph 54(2)(a)).

284. Some countries have adopted programmes and measures to combat prejudice against women in working life and to encourage public opinion in general, and those responsible for vocational guidance and vocational training and the social partners in particular to change their concept of the occupational status of women in society. Thus, for example, in Germany a four-year information campaign was launched by the Federal Ministry of Education and Science in an attempt to eradicate stereotyped attitudes towards girls and women, addressed in particular to parents, teachers, vocational guidance counsellors, instructors, employers. In the United States, the federal Government grants funds for the running of state vocational training services and activities designed to meet special needs and to encourage the participation of persons who follow programmes to eliminate prejudice based on sex in vocational education.⁴ In Ireland efforts have been made to persuade editors to eliminate sexism in school textbooks.⁵ In Cyprus attempts are being made to overcome prejudice as regards certain occupations. In Portugal, pilot projects for the training of women in jobs in sectors in which they are under-represented have been introduced and a campaign has been launched to increase the awareness of young persons, employers and officials of the Institute of Employment and Vocational Training (IEFP) of equal opportunity

² See, for example, Germany, Act of 15 January 1972 on the organisation of enterprises, section 75 (LS 1972-Ger.F.R.1); Philippines, Act No. 6725 dated 12 May 1989, section 135(b); Portugal, Legislative Decree No. 392 of 1979 respecting equality of opportunity between the sexes; Dominican Republic, Act No. 1 dated 16 January 1980, section 23; and United Kingdom, section 14 of the Act of 1975 (LS 1975-UK 1) as amended by section 7(1) of the Act dated 16 November 1989.

³ For example, USSR, section 4 of the Fundamental Principles of Legislation respecting Public Education in the USSR and the Union Republics, dated 17 December 1973.

⁴ Vocational Education Act, 1984, section 2331(b)(5).

⁵ This concerns one of the measures taken by the Department of Education, "Schooling and sex roles, subject take-up in post-primary schools", prepared by the Employment Equality Agency.

issues. In Japan, the Government indicates it is trying to reshape traditional attitudes concerning the capabilities and the role of women, in particular through information campaigns.

285. Vocational guidance (Paragraph 54(2)(b)) plays a decisive role in the promotion of equal opportunity. In countries where vocational guidance services are well developed, it is possible to overcome most of the stereotypes which associate certain occupations exclusively with one sex and to widen the career options of young women. Measures taken include both programmes to encourage women to follow traditionally male training courses, using different kinds of information,⁶ and specific steps to adapt vocational guidance activities. To this end, some countries have set up special bodies responsible for promoting equal opportunity in vocational guidance.⁷ Furthermore, in Sweden, training courses encourage both girls and boys to turn towards activities which have been traditionally performed by the other sex. In Australia, several projects based on similar policies have been introduced by the authorities of the various states.⁸

286. In addition to measures to broaden the range of occupations to which women can be guided, it is the actual access to education and vocational training for all types of employment, including those traditionally accessible only to men, which Recommendation No. 150 seeks to promote "subject to the provisions of international labour Conventions and Recommendations" (Paragraph 54(2)(c)). According to the information provided by several governments, the promotion of access by girls and women to all types of education and vocational training is an obligation or constant concern of the training bodies.⁹ Some governments have simply referred to courses provided free of charge and open to both sexes.¹⁰ It should also be recalled that several countries have adopted legislation which prohibits and penalises discrimination based on sex directly related to occupational training.¹¹ However, affirmative measures assume special importance in this connection.¹² Several countries have thus opened training schools or courses which are specially but not exclusively intended

⁶ For example, Australia, Germany, Ireland, Netherlands, Sweden.

⁷ For example, the equality or education boards and the labour market administrations in the Nordic countries.

⁸ For example, the project entitled "Understanding future options" (UFO) in Queensland and the courses entitled "New opportunities for women" in South Australia.

⁹ For example, the Training Agency and the Youth Training Board in the United Kingdom.

¹⁰ For example, Argentina, as regards CONET courses.

¹¹ For example, in Ireland the Employment Equality Act of 1977 makes any sexual discrimination in the granting of training both within and outside employment illegal; in Israel, a similar provision is included in the Act on equal opportunities in employment dated 20 May 1981; in Japan, the 1975 Act concerning the Promotion of Equal Opportunities, section 9.

¹² See 1988 General Survey, para. 82.

for women. This is the case, for example, in Australia,¹³ Denmark¹⁴ and the Netherlands.¹⁵ In Italy, a government bill which establishes affirmative measures to facilitate the access of women to vocational training and further training has been submitted to Parliament.

287. Measures to promote equal opportunity should include further training for girls and women to ensure their personal development and advancement to skilled employment and posts of responsibility (Paragraph 54(2)(d) of Recommendation No. 150). In addition to further training programmes open to both sexes,¹⁶ several countries have developed vocational training projects for those women, often unemployed, who lack the necessary skills for new activities or those which require greater occupational experience. In some countries employers are encouraged to employ women with equal qualifications and offer them the same opportunities as men to enrich their occupational experience. In Germany, pilot projects for the further training of unemployed persons, and in particular women, have been launched, opening up new employment opportunities, and the Employment Promotion Act has broadened the access of women to further training and retraining. In Norway, the Labour Market Administration encourages employers to recruit women for jobs traditionally held by men by the granting of subsidies covering part of the wage during a certain time. In Canada, in line with the same concerns, employment equity counsellors help employers to analyse their employment policies and the composition of their workforces.

288. Some countries have made efforts, consonant with the provisions of Paragraph 54(2)(e) of the Recommendation, to enable girls and women with family responsibilities¹⁷ to have access to normal vocational training, for example by ensuring that training premises are situated nearby or easily accessible by public

¹³ The special trade training programme comprises in particular the financing of preparatory courses for women. Special projects encourage young women to consider non-traditional options. In Western Australia the Office of Technical and Further Education (TAFE) of the Department of Education, Employment and Training (DEET) offers a range of courses, some of which are specially tailored to the needs of women.

¹⁴ The special modules for women organised in collaboration with the Danish Equality Board.

¹⁵ Vocational schools for women.

¹⁶ This is the most usual practice, for example in the USSR.

¹⁷ Recommendation No. 150 stipulates that men having analogous problems should also benefit from measures similar to those adopted for women. In this connection, the Committee recalls that the International Labour Conference adopted, at its 67th Session in 1981, the Workers with Family Responsibilities Convention (No. 156), and Recommendation (No. 165), 1981, which also refer to the promotion of equal opportunity and treatment. The Committee also recalls that it devoted its 1978 General Survey to the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123), which noted measures taken by various countries to "assist women workers to meet their

(footnote continued on next page)

transport¹⁸ and through the organisation of part-time courses¹⁹ and specially adapted programmes,²⁰ opening crèches or providing assistance for child care²¹ or the granting of family allowances or modifying work schedules for women with children,²² or housing allowances.²³ Some of these measures apply equally to men with family responsibilities.

289. Without listing all the positive measures adopted by countries, mention should be made of the retraining of women,²⁴ the granting of financial assistance or the organisation of courses for women who wish to set up their own enterprises,²⁵ or for women above the normal age of entry into employment who wish to take up work for the first time or return to work,²⁶ projects for foreign nationals who have little or no knowledge of the language of the host country,²⁷ as well as programmes for women in rural or remote areas.²⁸

Section 2. Particular groups of the population

290. Special attention should be given in particular to the following groups: (a) persons who have never been to school or who left school early; (b) older workers; (c) members of linguistic and other minority groups; (d) handicapped and disabled persons. Measures should be taken to provide effective and adequate vocational guidance and vocational training for them so that they enjoy equality in employment and improved integration into society and the economy (Paragraph 45 of the Recommendation).

(a) Young persons

291. The vocational training and vocational guidance measures taken in several countries on behalf of young persons can be classified into three main heads: these are courses outside the

(footnote continued from previous page)

employment and family responsibilities without detriment to their opportunities for employment and promotion" (Paragraph 11(1)). The 1981 standards concerning workers with family responsibilities will be the subject of the 1993 General Survey.

¹⁸ For example, Netherlands.

¹⁹ For example, Netherlands.

²⁰ For example, Spain, Royal Decree No. 1445 dated 25 June 1982.

²¹ For example, Netherlands, Portugal, United Kingdom.

²² For example, Netherlands.

²³ For example, Portugal, for women in general.

²⁴ For example, Hungary.

²⁵ For example, Norway, Portugal.

²⁶ For example, Australia, Canada, Ireland, Netherlands, Norway, Spain.

²⁷ For example, Australia and Germany (where specific measures have been introduced for foreign women of German origin).

²⁸ For example, Germany.

school system and comprising basic training for young persons who have received little or insufficient education; special vocational training for unemployed young persons; and special further training courses. The government reports show that programmes are intended not only for young persons without education or who have left school early, but also for persons who, although they have attended school, need help in gaining access to the labour market. This is often the case in countries in which school is compulsory but where unemployment makes the transition from school to employment even more difficult for persons without a secondary-school certificate. In Canada, for example, where a senior secondary certificate is indispensable for young persons who wish to continue their training, more than 100,000 pupils (i.e. almost one-third of the original number) drop out of secondary education each year: most of them are soon classified as functionally illiterate and many become "marginalised".²⁹

292. Several governments have stressed in their reports that they give special attention to the case of young persons who have left or who are likely to leave school early.³⁰ In the Netherlands, for example, young persons are encouraged to complete the normal cycle of education and vocational training.³¹ Other governments refer to special vocational schools, remedial programmes and other opportunities for young persons and adolescents who experience difficulties in following compulsory schooling or who have not finished their schooling,³² but the reports give few details of the activities carried out. Given the general seriousness of the problem of unemployment among young persons, a number of measures have been taken particularly to provide young persons with vocational training enabling them to obtain lasting employment; this often includes on-the-job practical training. According to the government reports, most of these measures are targeted at young persons in general without distinction between those who have little schooling and those with none at all; in addition to special training courses for unemployed persons, initial general vocational training is also provided wherever possible. In Norway, alternative training programmes have been set up which include both theoretical and practical courses for young persons who find it hard to adapt to schools or who may drop out. In Ireland, early school-leavers may be offered up to two years of complementary education and training under the "Youth reach" programme. In Egypt, one of the objectives of vocational training is to prevent the nefarious social consequences for young persons who drop out of basic education, by providing them with occupational skills which are required on the labour market: one formula used is vocational apprenticeship, which is designed for young persons between the ages of 12 and 20 who have dropped out of school, enabling them to become semi-skilled in one of the trades for which

²⁹ ILO: Social and Labour Bulletin, 2/90, p. 174.

³⁰ Argentina, Austria, Cuba, Egypt, Israel, Mexico, Netherlands, Norway, Portugal, Spain and Uruguay.

³¹ Ministry of Social Affairs and Employment: Synopsis of manpower training policy in the Netherlands (1989), p. 7.

³² Argentina, Canada, Cuba, Hungary, Mexico, Norway and Spain.

there is a demand on the labour market. In Canada, special integration and reintegration programmes have been set up for young unemployed drop-outs: the Government has noted that the number of persons dropping out of secondary education is a problem requiring attention at the federal level and the Department of Employment and Immigration has launched a national "Stay-in-School" initiative, to make young persons more aware of the risks of dropping out; establish national and local consultations between undertakings, workers, representatives of all levels of education and voluntary organisations; to stimulate dialogue, exchange information and develop solutions; and to increase public awareness of the drop-out problem.³³ In the United Kingdom, any young unemployed person has the right under a youth training guarantee programme to attend (if necessary several times) a training course adapted to his or her needs and providing an opportunity for acquiring complete or partial occupational qualifications. The Government of Sweden reports that young jobseekers can follow courses in special training centres. In Australia, the Job Search Training Programme provides several services to young unemployed persons. In Kenya the National Youth Service trains and prepares young persons of both sexes for self-employment or salaried employment.

293. The training work contract formula is fairly widespread, judging from government reports.³⁴ It requires close collaboration between the social partners and is becoming a frequent means of access to the job market.³⁵ The target groups of this combined form of training vary from country to country. In Belgium, employment/training agreements³⁶ are intended for young persons seeking employment between the ages of 18 and 25. In Portugal, similar programmes have been designed for young persons between the ages of 16 and 18 who have no skills and for unemployed persons aged between 19 and 25 who have some occupational experience. In Italy, employment/training contracts have been established for the 15-to-29-year age group. In France, young persons between 18 and 25 may finish their training by undertaking an occupational internship (SIVP) which is a training course providing an introduction to employment, "skill acquisition contracts" or "adaptation contracts"; furthermore, the Government is attempting to make entry into working life easier for the most disadvantaged young jobseekers. In Egypt, intensive training both in a training centre and completed within an enterprise is available to young persons from the age of 18. In Australia, the Australian Traineeship System (ATS) is open to young persons between the ages of 16 and 18, preference being given to those who have not completed

³³ ILO: Social and Labour Bulletin, 2/90, pp. 174-176.

³⁴ For example, Australia, Belgium, Colombia, France, Italy, Netherlands, Portugal, Spain, Switzerland, Trinidad and Tobago, United Kingdom.

³⁵ In Italy 930,000 young persons were recruited on training/work contracts between January 1985 and May 1988 and approximately 80 per cent were kept on at the end of their training. (ILO: Social and Labour Bulletin, 1/89, p. 69.)

³⁶ Royal Order No. 495 dated 31 December 1986.

secondary school. The length of training varies from country to country.³⁷

294. It should also be noted that it is relatively common to grant subsidies, deductions or temporary suspensions of social security contributions and other financial assistance to enterprises which provide training to young persons.³⁸

(b) Older workers

295. Both Convention No. 142 and Recommendation No. 150 reflect the concern to provide special vocational guidance and vocational training measures for older workers. After stipulating, as noted above, that such policies and programmes should be addressed to all persons on an equal basis and without any discrimination whatsoever, the Convention prescribes that the vocational guidance and training systems should meet the needs of young persons and adults throughout life.³⁹ The Recommendation considers older workers as a particular group of the population to which special attention should be given and thus lists measures which might be taken to meet difficulties faced by them in employment.⁴⁰ Recommendation No. 150 sets these measures within the context of the promotion of equal opportunity in employment.⁴¹ It recommends that positive measures should be taken as regards working conditions, vocational guidance and vocational training, educating the general public, encouraging economically active older workers to take advantage of the facilities which may be provided and developing work methods, tools and equipment adapted to their special requirements. As regards measures targeted specifically

³⁷ In Australia it lasts 12 months (including at least 13 weeks in a training establishment); in Belgium, it can vary from one to three years; in Portugal, the minimum is 560 hours, including at least 400 in practical work; in France, the duration of the SIVPs may vary from three to six months in an enterprise, the skill acquisition contracts may last between six and 24 months, of which at least one-quarter must be spent outside the enterprise, and adaptation contracts to train for a specific job last at least 12 months from the time of a previous skill acquisition, with a minimum of 200 hours of training; and training for the most disadvantaged young unemployed lasts, on average, 600 hours.

³⁸ For example, Belgium, Canada, Italy, Netherlands, Portugal and Sweden.

³⁹ Article 1(5); Article 3(1); and Article 4.

⁴⁰ Recommendation No. 150, Paragraphs 45(2)(b) and 50.

⁴¹ This is also one of the concerns of the Older Workers Recommendation, 1980 (No. 162), which, as regards human resources development, makes specific reference in Paragraph 5(a) and (b)(ii) to vocational guidance and vocational training.

and exclusively at older workers by governments, the reports mention only a few examples.⁴²

296. Some measures taken by governments or the private sector in the fight against unemployment in general and as a result of industrial reconversion or modernisation may affect economically active older workers. In this respect, as the Committee of Experts noted in its 1989 General Survey on social security protection in old age, many countries have been led to lower the pensionable age for the unemployed not only to protect the elderly unemployed for whom it is difficult to find alternative employment but also as a means - alongside other measures such as pre-retirement or gradual retirement - of combating unemployment.⁴³

297. The reports of a number of governments indicate that older workers are one of the concerns of national authorities as reflected in their employment and human resources development policies. Thus several countries (such as Germany, Italy, the United Kingdom, and the United States) have adopted measures and programmes on behalf of these workers, in particular with a view to identifying their needs and special difficulties, providing them with the vocational guidance and vocational training which they require and encouraging them to take advantage of the facilities available to help them overcome their problems.

(c) Linguistic and other minority groups

298. Under the terms of Recommendation No. 150 (Paragraphs 51 and 52), these groups should be provided with information and special vocational guidance and vocational training programmes which meet their specific needs, if possible, in their own language.

299. An examination of the information received shows that one kind of measure taken by the national authorities concerns the linguistic difficulties of these groups and often takes the form of language courses both for homogeneous minorities⁴⁴ and for other persons who suffer discrimination or difficulties resulting from a lack of knowledge of the dominant language, without necessarily being members of a linguistic minority.⁴⁵

300. Another set of measures adopted in a number of countries provides vocational guidance and vocational training to linguistic or other minorities in their own languages. In the United Kingdom, the Training Agency has focused on the difficulties of trainees who

⁴² See, however, the measures adopted for older workers highlighted in paras. 151 and 152 of the 1988 General Survey, and ILO: Older workers: Work and retirement, ILC, 65th Session, 1979, Report VI(1), pp. 43-65.

⁴³ See ILO: Report of the Committee of Experts on the Application of Conventions and Recommendation, ILC, Report III (Part 4B), 76th Session, Geneva, 1989, para. 91.

⁴⁴ United Kingdom; and Netherlands, as regards the Moluccans.

⁴⁵ For example, Australia, where the Jobtrain programme seeks in particular to help immigrants with a poor knowledge of English; and United Kingdom.

require an English-language programme specially adapted to non-English speakers:⁴⁶ the Government points out that a brochure on the programme of grants available to enterprises has been published in Welsh and in five of the languages spoken by minorities.⁴⁷ In the Netherlands several special measures have been introduced for ethnic or cultural minorities, including Moluccans: the manpower training services have set up centres for vocational orientation and preparation (CBB)⁴⁸ which provide programmes combining vocational guidance and access to further training courses for underprivileged unemployed persons, including ethnic minorities; "Dutch in the workplace" courses help persons who do have a job to adapt themselves to the life of their enterprise or institution and speak the Dutch language sufficiently fluently to be able to benefit from vocational training proper.⁴⁹

301. Some countries, such as Czechoslovakia and Finland which have Tzigane minorities, have adopted measures on their behalf, in particular special vocational training programmes. In other countries, where there are indigenous or tribal peoples, the information provided in the reports gives only a brief outline of the programmes and special vocational guidance and training measures which have been introduced in this respect. In Canada, in Saskatchewan, the Non-Status Indian Metis Programme provides such people with financial assistance for academic upgrading, pre-trades and life-skills training; a network of regional native employment co-ordinators has been set up and counsellors are available in regions with a large number of such peoples. In the United States, special programmes for Indians and native Hawaiians have been set up and financed at federal level under the Carl D. Perkins Vocational Education Act of 1984. In Finland, special vocational training courses have been established for the Lapps, and Swedish courses are regularly taught in training centres. In Mexico, a Spanish-language teaching programme has been introduced for the indigenous population. In Norway, priority access is granted to Lapps in the second stage of secondary education. Australia has adopted a series of measures on aboriginals, including an on-the-job training programme in a wide range of occupations; community-based projects have also been introduced to meet the training needs of communities in the absence of any other kind of suitable training; the Formal Training Scheme helps aboriginal jobseekers to follow theoretical training in specialised establishments; and the Work Experience Programme, which enables aboriginal jobseekers with little or no stable employment experience to work in a job for a maximum duration of three months, provides for the repayment to employers of remuneration paid under this programme; the Enterprise Employment Assistance Programme helps undertakings

⁴⁶ Adult Literacy and Basic Skills Unit (ALBSU), 1989: "English for Speakers of Other Languages (ESOL): A programme for action" - summary in eight languages.

⁴⁷ Bengali, Punjabi, Hindi, Urdu and Gujarati.

⁴⁸ There are 23 of these centres.

⁴⁹ Ministry of Social Affairs and Employment: Synopsis of manpower training policy in the Netherlands, 1989, pp. 11 and 30.

owned by aborigines to employ aborigines during the start-up phase. In this context, the Committee recalls that the Indigenous and Tribal Peoples Convention, 1989 (No. 169), contains provisions respecting education, vocational training, handicrafts and rural industries.

(d) Handicapped and disabled persons

302. Convention No. 142 makes express provision for the establishment of appropriate vocational guidance programmes for handicapped and disabled persons. It is supplemented by Paragraph 53 of Recommendation No. 150, which stipulates that persons who are handicapped or disabled should have access to vocational guidance and vocational training programmes provided for the general population or, where this is not desirable, specially adjusted programmes; that every effort should be made to educate the general public and the social partners and professional staff concerned (medical and paramedical personnel and social workers) on the need for giving persons who are handicapped or disabled vocational guidance and vocational training which would enable them to find suitable employment; that measures should be taken to ensure as far as possible the integration or reintegration of the handicapped and the disabled into productive life in a normal working environment; and that account should be taken of the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99). The Committee points out in this respect that new standards were adopted in 1983, namely the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168), which should also be taken into account.

303. A large number of countries report that they have established integration, reintegration, vocational guidance and vocational training programmes for handicapped and disabled persons,⁵⁰ but details have not always been given of the contents and measures introduced. Only a small fraction of the information provided refers to measures for the integration of disabled persons and their access to training programmes for the general population. In this respect, it appears that in Australia (Western Australia) the current trend is to allow disabled persons to attend training courses or to work with the general population as far as possible, even though this may make it necessary to take special measures to facilitate access to their place of work or to compensate for lower output. In Italy, there is an emphasis on integrating disabled persons as far as possible in normal training activities and avoiding ad hoc training courses.⁵¹ In Finland and Hungary similar objectives have been

⁵⁰ Afghanistan, Algeria, Argentina, Australia, Austria, Belize, Brazil, Canada, Cyprus, Czechoslovakia, Dominican Republic, Egypt, Finland, Germany, Guyana, Hungary, Ireland, Israel, Italy, Japan, Kenya, Malaysia, Netherlands, Norway, Pakistan, Poland, Portugal, San Marino, Saudi Arabia, Sweden, United Republic of Tanzania, Tunisia, United Kingdom, USSR.

⁵¹ CEDEFOP study: Description of vocational training systems - Italy.

incorporated into national policy. In Belize, teachers are encouraged to accept handicapped and disabled students and use teaching methods adapted to their needs. In Portugal, an Act has been passed to promote their integration.⁵²

304. Several governments have reported that national bodies have been set up with the responsibility of recommending, co-ordinating or applying policies for the training and rehabilitation of handicapped and disabled persons.⁵³ Special measures have been established by national law and practice, in particular vocational guidance and vocational training centres as well as specialised schools and services.⁵⁴ Some countries have made efforts to train specialised staff (for example, Algeria, Australia, Norway). Other measures include direct or indirect financial assistance granted to disabled persons. In Canada, in the Province of Alberta, the Vocational Rehabilitation for Disabled Persons Programme provides financial assistance to residents suffering from some physical or mental disability and needing vocational training to increase their chances of finding a job. In Australia, under the Disabled Apprenticeship Wages Subsidy Programme, financial assistance is granted to employers who offer disabled persons the opportunity of obtaining or keeping an apprenticeship post in an approved trade. In Poland, the regional labour offices help enterprises to buy or rent equipment to adapt workstations or provide subsidies to cover the cost of social security contributions and the wages of disabled persons. Other measures include the use of Braille or cassettes,⁵⁵ information technology,⁵⁶ sheltered or semi-sheltered employment,⁵⁷ the education of the general public and employers' and workers' organisations⁵⁸ and training or rehabilitation in enterprises.⁵⁹ In some countries, voluntary organisations run residential training establishments.⁶⁰

⁵² Act No. 9/89 dated 2 May 1989.

⁵³ Germany, Advisory Council for the Rehabilitation of Disabled Persons within the Federal Ministry of Labour and Social Affairs, and the Committee on Disabled Persons within the Federal Institute for Vocational Training Affairs (BiBB); Argentina, National Rehabilitation Service of the Secretariat of State for Public Health; Ireland, National Rehabilitation Board; Jordan, National Council for the Protection of Disabled Persons; Portugal, National Rehabilitation Council; and United Kingdom, National Advisory Council on Employment of Disabled People (NACEDP).

⁵⁴ Belgium, Brazil, Cyprus, Finland, Guyana, Hungary, Ireland, Japan, Jordan, Kenya, Malaysia, Poland, Saudi Arabia, United Republic of Tanzania, Tunisia, United Kingdom.

⁵⁵ Norway.

⁵⁶ Poland.

⁵⁷ Sweden and United Kingdom.

⁵⁸ Portugal.

⁵⁹ Germany and Hungary.

⁶⁰ Ireland and United Kingdom.

(e) Migrant workers

305. The relevant provisions of Recommendation No. 150 are not very detailed, since the question of migrant workers was a separate item on the agenda of the 59th and 60th Sessions of the Conference. The Recommendation simply stipulates that effective vocational guidance and vocational training should be provided for migrant workers so that they enjoy equality of opportunity in employment, account being taken of the fact that they may have only a limited knowledge of the language of the country of employment; Paragraphs 51 and 52, concerning linguistic and other minority groups, are also applicable to such workers. In a wider framework, Recommendation No. 150 considers that the vocational guidance and vocational training of migrant workers should take account of the needs of the country of employment and the possible reintegration of migrant workers into the economy of their country of origin: it refers to the relevant provisions contained in the standards concerned with such workers.⁶¹ This survey will simply give a brief overview of the measures taken by the governments and mentioned in their reports on the effect given to Convention No. 142 and Recommendation No. 150. For a more comprehensive treatment of the subject the Committee refers to its general survey carried out on the subject in 1980.⁶²

306. The reports show that special language courses are the most frequently used measure for migrant workers.⁶³ The language barrier is also taken into account in the provision of information to such workers on employment or vocational training; thus, in some countries written information is provided in more than one language⁶⁴ and interpreters⁶⁵ are available for oral communication. Several measures of a different kind are also mentioned. In Sweden, the Labour Market Board has adopted a special programme particularly to help migrants in their contacts with employers, enhance their educational background and improve their chances. In Luxembourg, Norway and Sweden facilities have also been introduced for the children and/or wives of migrant workers. Another aspect of national policies in this sphere concerns the recognition of qualifications obtained in another country. In Switzerland, federal legislation makes provision for the official recognition of training acquired abroad.⁶⁶ In Australia, the special services for migrants provided

⁶¹ These may be considered to include the Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86), 1949; the Migrant Workers (Supplementary Provisions) Convention (No. 143) and Recommendation (No. 151), 1975.

⁶² ILO: Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4B), ILC, 66th Session, Geneva, 1980.

⁶³ For example, Luxembourg, Norway, Sweden, Switzerland, United Kingdom, United States.

⁶⁴ For example, Austria, Norway, United Kingdom.

⁶⁵ Australia and Germany.

⁶⁶ Federal Act respecting vocational training (LFPr), section 45.

by the Commonwealth Employment Service include audio-visual information in several languages on the recognition of qualifications acquired abroad: short-term vocational training is also provided to migrants who do not belong to any of the main target groups, to enable them to obtain recognition of their occupational qualifications obtained abroad. The reports also indicate that some of the measures concerning migrant workers deal with their return to their country of origin. In France, a reintegration allowance may be granted under certain conditions and upon request to foreign workers who are unemployed and who wish to leave to resettle in their country of origin.⁶⁷

⁶⁷ Agreement dated 6 July 1988 respecting assistance for the reintegration of foreign workers, concluded by the National Council of French Employers (CNPF), the General Confederation of Small and Medium Enterprises (CGPME) and the following trade unions: CFDT, CFTC, CGC, CGT and CGT-FO, and its appended regulations.

CHAPTER VI

THE TECHNICAL CO-OPERATION PROGRAMME OF THE ILO AND ITS COMPLEMENTARITY WITH THE STANDARDS

307. In Part XIV, Recommendation No. 150 advocates international co-operation in planning, elaborating and implementing vocational guidance and vocational training programmes, with particular emphasis on the participation of governmental and non-governmental, regional and international organisations, as well as non-governmental national organisations (Paragraph 74). It sets out the possible aims of such co-operation (Paragraph 75) and the advisability of establishing centres for a region or group of countries (Paragraph 76). The government reports have supplied little information on technical co-operation projects and their aspects relating to human resources development. However, as pointed out in the introduction to the general survey, the ILO, through its vocation, competence and programmes, is fully committed to carrying out these provisions of the Recommendation on a multilateral basis. For this chapter, the Committee will draw extensively on the information available to the ILO and its technical services.

308. After the initial period, when training centres were created and instructors were trained, the technical co-operation programme has greatly diversified, in some cases with the participation of non-governmental organisations. It is now focusing on analysing training needs and designing training structures, whether within an institutional framework, within enterprises, or at national or sectoral level. Given the international environment, which calls for structural adjustments and a reorientation of macroeconomic policy objectives, and which is marked by the decline in certain sectors and the growth of new activities, the ILO's technical contribution also goes to support programmes which meet specific needs in apprenticeship, further training, in-service training, or retraining. The activities are characterised by the particular attention paid to training needs in the agricultural and non-agricultural rural sector,¹ increased interest in the informal sector, and the emphasis placed on the role of women in development.

309. The Committee notes with interest the vocational training activities carried out in the framework of technical co-operation. The following information shows that hardly any of the countries

¹ Mainly craft industries but more generally "Training for Rural Gainful Activities" (TRUGA programme, set up as an experiment in Bangladesh and Nepal) to improve the methods of growing, processing and marketing foodstuffs.

eligible for technical assistance from the United Nations system have not, at some time, received such aid from ILO.

310. First, in Africa, many countries have thus used ILO technical co-operation to strengthen their vocational training programmes and institutions; these countries in particular include: Algeria, Angola, Benin, Botswana, Burundi, Chad, Comoros, Côte d'Ivoire, Gabon, Guinea-Bissau, Kenya, the Libyan Arab Jamahiriya, Madagascar, Mali, Morocco, Mozambique, Niger, Rwanda, Sierra Leone, Somalia, Sudan, Togo and the United Republic of Tanzania. Training programmes targeting vulnerable population groups have been implemented in countries including Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Ethiopia, Gabon, Ghana, Lesotho and Somalia. Management development programmes have been started and small enterprises promoted with success particularly in Congo, Egypt, Ethiopia, The Gambia, Guinea-Bissau, Liberia, Madagascar, Mali, Mauritius, Mauritania, Nigeria, Somalia, Tunisia, Zaire, Zambia and Zimbabwe. A subregional project to upgrade vocational skills to ensure self-sufficiency has been put into operation, covering seven countries in eastern and southern Africa, including Lesotho, Swaziland and Uganda.

311. In the Latin America and Caribbean area, most countries have benefited from technical co-operation to set up their central training body. Most recently, Argentina, Bolivia, Brazil, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay and Suriname have been among the beneficiaries of aid to strengthen their programmes' administrative and technical structures.

312. In Asia and the Pacific, human resources development projects, some of which cover rural areas, management development or are sometimes specifically targeted at women, have been launched in such diverse countries as Bangladesh, China, Fiji, India, Indonesia, the Islamic Republic of Iran, Iraq, the Republic of Korea, the Lao People's Democratic Republic, Malaysia, Myanmar, Nepal, Pakistan, Papua New Guinea, the Philippines, Singapore, Sri Lanka, the Syrian Arab Republic, Thailand, Vanuatu, Viet Nam and Yemen, for example.

313. In Europe, Bulgaria, Cyprus, Hungary, Malta, Portugal, Turkey and the USSR have particularly benefited from ILO technical co-operation for certain aspects of human resources development.

314. One of the most highly developed technical co-operation programmes for training, employment and income generation, using major multi-bilateral financing,² is the programme to establish infrastructures, particularly in rural areas. This is usually referred to as "special labour-intensive public works programmes". They provide varied training and teaching aids, and their activities increasingly aim to train small entrepreneurs. Furthermore, ILO co-operation with the World Food Programme (WFP) and other food aid donors helps to strengthen the link between standards and technical

² Including the European Communities and the Arab Gulf Programme for United Nations Development Organisations (AGFUND). For the biennium 1990-91, \$38.5 million of extra-budgetary resources have been allocated to the programme.

co-operation activities not only within the WFP but also with regard to the training of women and rural youth.

315. Among the sectoral training schemes³ not included in the statistics found in Appendix IV, a special and increasing share of resources is being devoted to technical co-operation in the hotel business, catering and tourism, generally a growth sector which both creates jobs and constitutes a source of foreign currency. The training component in such projects is generally a determining factor.

316. Other technical co-operation projects cover the shipping industry, the training of ships' officers and crew,⁴ advice on creating national training or retraining programmes for unemployed seafarers, the training of fishing and inland waterway workers, or even port labour (in particular projects concerning the handling of cargo, taking into account new technology, safety and port management).⁵ In 1989, technical co-operation projects for the training of workers at sea and in ports were operational in several countries in Africa, Latin America and Asia.⁶ The Committee notes that with regard to merchant shipping, national and regional seminars on ILO maritime standards have been held for senior government officials and the heads of shipowners' and seafarers' organisations, in order to encourage their ratification and application.

317. The management development programme⁷ aims to provide further training for middle management, supervisors and executive staff in enterprises, including women in positions of responsibility. The projects encourage increased productivity⁸ in both the public and private sectors. They focus on creating and strengthening management development institutions by training trainers or supplying teaching aids⁹ and improving management competence in certain sectors such as construction, distribution and road transport. The programme helps to further the development and efficient management of small enterprises, in the light of their leading role in creating jobs

³ Various vocational training projects as such, do relate specifically to sectors, such as the training and further training of railway staff and electricity company workers. Some projects cover the training of technicians for modern industry.

⁴ For example, Egypt, Malaysia, Philippines, Singapore.

⁵ For example, Islamic Republic of Iran, Philippines, Singapore, Turkey, Venezuela.

⁶ For example, Argentina, Mozambique, Pakistan, Paraguay, Sri Lanka, Trinidad and Tobago and United Republic of Tanzania.

⁷ For further details, see, for example, Effective management and small enterprise development - The management development programme of the ILO (ILO, Geneva, brochure updated periodically).

⁸ Hence the projects or special relationships with national productivity centres in Cyprus and Singapore, for example.

⁹ For example, with assistance from the United Nations Environment Programme (UNEP).

and mobilising savings.¹⁰ It should also be noted that in April 1989, an international management development network (INTERMAN) was established using existing networks, the secretariat being the ILO.

318. With regard to the vocational rehabilitation of handicapped and disabled persons, the ILO is helping governments to set up specialised services, train personnel and formulate suitable guidance and training methodologies and techniques. Over the past 20 years or so, a series of technical co-operation activities have been undertaken in some 60 developing countries, ranging from the creation of national vocational rehabilitation services, to pilot centres or rural rehabilitation services with the active participation of local communities. Over the last decade, great emphasis has been placed on integrating disabled persons into society outside an institutional framework, and informing and raising the awareness of the general public, employers and workers. The number of technical co-operation projects for disabled persons has grown, given the impetus provided by the adoption of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), which has been ratified by 34 countries, and the accompanying Recommendation (No. 168), and the United Nations Decade of Disabled Persons (1983-1992). These projects increasingly involve employers' and workers' organisations in training and providing jobs for disabled persons.

319. With regard to technical co-operation in general, the ILO provides considerable aid to purchase specialised equipment, prepare equipment lists, even to build and improve training institutions,¹¹ particularly in the form of loans from development banks. Special training programmes have been implemented to acquaint officials from developing countries with purchasing practices and procedures on the international market and defining specifications in compliance with the Guarding of Machinery Convention, 1963 (No. 119), and the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), in particular.

320. In collaboration with technical services both at ILO headquarters and in the field, the International Training Centre of

¹⁰ Thus, from 1985 to 1988, in collaboration with the Mauritius Employers' Federation, the heads of 450 of the country's small enterprises took part in seminars, study groups and other meetings based on a new version of the ILO Improve your Business (IYB) package and established an association responsible for defending their common interests, providing information and training, and organising an exchange of ideas and experience. At the same time, an ILO/UNDP project helped to strengthen the Malawi Entrepreneurship Development Institute (MEDI) created by the Government of Malawi from a vocational training centre.

¹¹ Thus, the ILO helped the Government of Bangladesh to acquire equipment with an estimated value of \$11.4 million for a technical education project involving some 17 polytechnical schools and two establishments training engineers. Similarly, the Government of India received assistance to purchase equipment valued at \$6.5 million for a project for a further training system, providing 72 training centres with high-quality equipment.

the ILO in Turin provides fellows with advanced training in their area of specialisation, particularly trainers and administrators of training institutions. The Turin Centre also organises management development and trade union training programmes, and deals with the administration of fellowships in general and the development of teaching aids. It gives invaluable support to all ILO training activities.

321. The regional centres - in particular the Asian Pacific Skill Development Programme (APSDEP), the Inter-African Centre for the Development of Vocational Training (CIADFOR)¹² and the Inter-American Research and Documentation Centre on Vocational Training (CINTERFOR)¹³ - provide a framework for promoting technical co-operation activities related to training between developing countries. Technical co-operation between developing countries, particularly in Latin America, has developed with regard to the training of personnel working at sea and in ports, for example, in the form of exchange of staff and teaching aids.

322. In conclusion, the Committee believes that in general, and in accordance with Article 5 of Convention No. 142 concerning the co-operation of employers' and workers' organisations in formulating and implementing vocational guidance and vocational training policies and programmes, such organisations should be involved more closely in the projects. This is essential if any programme is to be efficient and realistic, since it seems that the success of any human resources development policy largely depends on effective participation by the social partners. A specific objective of technical co-operation could therefore be to help to set up tripartite advisory, programming and management bodies. Whilst the projects are running, tripartite meetings could be planned on a regular basis to examine their progress and results in the light of the objectives laid down by standards.

323. The responsible regional advisers also have an important role to play in strengthening tripartism within the framework of the 1976 Tripartite Consultation (International Labour Standards) Convention (No. 144) and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation (No. 152). Mention should be made of the agreement reached in 1974 between the

¹² CIADFOR is one of several important centres for distributing documentation on new training methods and techniques. It was created also with a view to training decision-makers and key staff responsible for planning, carrying out, following up and assessing vocational training. In recent years, in collaboration with various African countries, job analyses have been introduced.

¹³ The centre is thus a focal point for 47 training and research institutions in 27 Latin American and Caribbean countries. It is an important documentation centre and source of teaching aids. Advisory missions can be organised on request. For more details, see, for example, A. Araoz: CINTERFOR y el sistema latinoamericano de cooperación técnica en formación profesional (Montevideo, CINTERFOR, Estudios y monografías No. 55, 1980) or E. Maertens: CINTERFOR: An instrument of technical co-operation among developing countries (Montevideo, CINTERFOR, Studies and Reports No. 51, 1980).

UNDP Administrator and the Director-General and Governing Body of the ILO, which invited governments to take measures with a view to establishing tripartite participation in projects financed by UNDP and carried out by the ILO, and also of the fact that the agreement is still valid.

324. The Committee has noted that measures to publicise and apply international labour standards are in progress, their objective being to strengthen the ties between the ILO's standard-setting activities and the technical co-operation programme. The practical experience gained in different countries and regions can enhance the standard-setting process and enable standards to be applied more efficiently, whilst ILO standards in turn provide a valuable and necessary framework for technical co-operation. In this context, technical co-operation projects can and should be used more systematically so that the social message contained in ILO standards can be reflected in the formulation of policies and programmes.

PART II

PAID EDUCATIONAL LEAVE

325. The ILO instruments on paid educational leave and those on human resources development are closely related in many respects. The Human Resources Development Recommendation, 1975 (No. 150), bears witness to the coherence between the two sets of instruments, stating in Paragraph 23(2) that workers receiving training off the job should be granted educational leave in accordance with the terms of the Paid Educational Leave Convention and Recommendation, 1974. Moreover, a policy concerning the granting of paid educational leave fits logically into the context of that pursued under the terms of Article 1(5) of Convention No. 142, to encourage and enable all persons to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society. The grant of paid educational leave within the meaning of Convention No. 140 and Recommendation No. 148 is not only a particularly appropriate method of providing vocational training for workers; it may also be for a specific purpose - trade union education - or a broader one - general, social and civic education. Chapter I will examine the different national policies for the promotion of paid educational leave, while Chapter II will deal with the methods of implementing the granting of such leave.

CHAPTER I

POLICIES TO PROMOTE PAID EDUCATIONAL LEAVE

Section 1. Nature and scope of obligations

(a) Formulation and application of a policy

326. Article 2 of Convention No. 140 obliges ratifying States to "formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of: (a) training at any level; (b) general, social and civic education; and (c) trade union education". Under Article 5, "the means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice". Although States are obligated to formulate and implement a policy, they are allowed a certain amount of scope as to

the methods they choose: the Convention does not require the immediate introduction of provisions to regulate the granting of paid educational leave. In this case States are not under the residual obligation, provided for in other ILO Conventions, to draft legislation if the provisions of the Convention fail to be implemented by other means. Without requiring States to incorporate paid educational leave immediately into their legislation, Article 5 illustrates the variety of means that might be used, consistent with national law and practice, to apply the policy of granting paid educational leave.

327. The main obligation is contained under Article 2: to formulate and apply a policy to promote the granting of paid educational leave for the purposes stipulated. The Conference Committee on Paid Educational Leave demonstrated its attachment to the idea of a policy by rejecting, during two successive discussions, proposed amendments to delete the obligation¹ or the very term "policy".² A policy presupposes that the public authorities have decided upon a specific course of action that necessarily involves authorities and bodies for a certain length of time.

328. The obligation is nevertheless flexible from many standpoints. For example, the policy is dynamic. It aims at the gradual grant of paid educational leave; time is needed before all its effects may be felt. Taking account of the "stage of development and the particular needs of the country and of different sectors of activity" (Article 4) may result in the grant of paid educational leave being promoted "by stages". From this premise, States may, according to their national priorities, concentrate first on granting paid educational leave for one of the purposes listed in the Convention or in certain branches of activity, only subsequently promoting it for the other two purposes stipulated or in other branches of activity. Furthermore, the definition of paid educational leave is itself very flexible: the regulations pertaining to the grant of paid educational leave, the form it takes and its duration, as well as the nature and amount of "adequate financial entitlements", are to be appropriate to national conditions and practice.

(b) Sources of law on paid educational leave

329. A number of reports mention that paid educational leave is granted in spite of the fact that there are no provisions to this effect. For instance, Chad points out that, although there are no provisions contained in laws, administrative regulations or collective agreements, some enterprises have decided themselves to grant paid educational leave to their workers.

¹ ILO: Paid educational leave, Report IV(1), International Labour Conference, 59th Session, Geneva 1974, paras. 39-40.

² ILO: Record of Proceedings, International Labour Conference, 59th Session, Geneva 1974, No. 17, paras. 29, 31.

330. Several governments refer in their reports to legal provisions that place employers under obligations which suffice in themselves to create an entitlement to paid educational leave.³

331. In other countries, the relevant provisions are only found in collective agreements.⁴ The Government of the Netherlands points out that the matter of leave comes under employment conditions and that these are left up to the social partners to determine. The United Kingdom Government takes the view that voluntarism and collective bargaining are the most efficient means to apply the Convention. The Government of Nicaragua states that it pursues a policy designed to encourage the granting of paid educational leave through the negotiation of agreements at enterprise level.

332. In most countries, paid educational leave is granted through a combination of legal provisions and collective agreements. Either the law and collective agreements apply to different branches of activity, or the law lays down basic standards that may be incorporated into or supplemented by collective agreements.

333. In the United Republic of Tanzania (Tanganyika), provisions on educational leave are contained both in regulations applying to officials and employees in the public sector and in a number of collective agreements in the private sector. In the United States, educational leave, like other types of leave, is a matter for negotiation between employers and workers; it is only subject to government regulations when the federal Government and state governments establish conditions applicable to their respective employees. In Switzerland, the grant of educational leave is provided for in regulations applying to the staff of federal and cantonal administrations and public bodies, as well as in a number of collective agreements.

334. In many cases the legislator establishes generally applicable minimum conditions and leaves it to the social partners to negotiate schemes that might be more advantageous. In Spain, the Workers' Charter gives collective bargaining great scope by stating that collective agreements may make detailed provision for the exercise of rights pertaining to educational leave and specify the way in which such rights are exercised.⁵ In Mexico, the federal Labour Act requires the social partners to include in collective agreements clauses on the employers' obligation to provide training for workers.⁶ In Hungary, where the entitlement to study leave is incorporated in the Labour Code, its practical implementation is

³ For example, Belgium, Cuba, Czechoslovakia, Luxembourg, Poland, Ukrainian SSR, USSR.

⁴ For example, Canada, Honduras, Ireland, Philippines.

⁵ Act No. 8 of 10 March 1980, to promulgate a Workers' Charter, (LS 1980-Sp. 1, section 22(2)). However, according to the General Union of Workers (UGT), only a few collective agreements provide for the granting of paid educational leave, and no agreement establishes the right to leave for purposes of trade union education.

⁶ Decree of 27 April 1978 amending the Federal Labour Act, (LS 1979-Mex. 1D, new section 153M).

regulated by various decrees:⁷ however, it has recently been decided, in a spirit of "deregulation", to leave it up to the parties to collective bargaining to regulate freely better conditions than those provided for by the legislation.⁸ In Sweden, the Act on workers' entitlement to free time for training purposes specifies that its standards prevail over those in collective agreements, as any clause that might restrict workers' rights laid down in this Act is considered null and void.⁹

335. In Germany, legal provisions and provisions under collective agreement exist alongside each other within a federal framework. This might raise a number of problems as to the determination of the applicable law: legal provisions relating to educational leave adopted by the Länder may have to be combined with those of industry-wide collective agreements which may include all the Länder or only some of them in their scope. Therefore, collective agreements often contain a clause stating that workers may not benefit concurrently from entitlements laid down by collective agreement and those established by law and that the length of educational leave must be brought into line with that prescribed under legislation.

336. In France, the relationship between the provisions on educational leave in legislation and those in collective agreements demonstrates the legislator's will to make the adoption of legal provisions subject to a previous agreement between the social partners; for instance the Act establishing individual training leave takes up the terms of an earlier national inter-occupational agreement.¹⁰ A later Act confirms the system of financing to which the social partners previously agreed.¹¹

(c) Scope

Private sector and public sector

337. Like all international labour Conventions that apply to workers without any specifications being made, the Convention applies to all workers, irrespective of whether they are in the private or public sector.

338. Unlike a number of international labour Conventions that also require the formulation and implementation of a policy,¹² Convention No. 140 contains no specific provisions placing national

⁷ Labour Code, (LS 1969-Hung. 2, section 43(2)).

⁸ Decree No. 8 of 22 December 1989.

⁹ Act of 13 December 1974 on workers' entitlement to free time for training purposes.

¹⁰ Act No. 71-754 of 17 July 1978 amending a number of provisions of Book IX of the Labour Code, (LS 1978-Fr. 2, section 3).

¹¹ Act No. 84-130 of 24 February 1984 to reform continuing vocational training and to make consequent amendments to the Labour Code (LS 1984-Fr. 1).

¹² In particular, the Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

authorities under particular obligations as regards the areas of employment under their direct control. The government of a ratifying State is not therefore expressly bound to use methods of direct implementation at its disposal or take measures to grant educational leave to public officials or workers in the public sector. Thus, although such measures might not necessarily constitute a first step towards the implementation of a paid educational leave policy, they clearly contribute towards it, bearing in mind national conditions and practice and the particular needs of the countries and various branches of activity.

339. According to available information, provisions relating to educational leave in the public sector exist in many countries, where they are often the only provisions to put into effect, to varying extents, the instruments in question. The marked pre-eminence of the public sector would seem to indicate that governments attach high priority to encouraging the further training of their staff. It would also appear that making provision for the grant of educational leave, more often than not in this case by statutory means, is easier in this sector; it should also be stressed that the public sector is likely to account for a proportion of total employment varying widely according to the country concerned. In Egypt, state officials have long been entitled to statutory paid educational leave.¹³ In Rwanda, the General Statutes of State Officials stipulate conditions under which an official may maintain his entitlements during the period of training outside normal working time.¹⁴ In Tunisia, leave for further training is granted to established employees of the State, local public bodies and state administrative establishments who are called upon to follow a training course organised by the administration.¹⁵

340. Whenever there is generally applicable legislation relating to educational leave, it may be specified that it applies both to the public and to the private sector. In Sweden the legislation stipulates that any worker employed in the public or private sector is entitled to free time for training purposes.¹⁶ In Finland, the Act respecting study leave stipulates that it also applies to public servants.¹⁷

341. In Belgium, on the other hand, workers employed by the State and various public bodies, public establishments under these bodies and organisations in the public interest, as well as all teaching

¹³ Act No. 112 of 1959 concerning funding for studies, educational leave and bursaries.

¹⁴ Legislative Decree No. 07/78 of 14 April 1978.

¹⁵ Decree No. 85-264 of 15 February 1985 establishing the system of leave for further training.

¹⁶ Above-mentioned Act of 13 December 1974, section 1.

¹⁷ Act of 9 March 1979 respecting study leave, (LS 1979-Fin. 1, section 3).

staff, are excluded from the scope of educational leave legislation.¹⁸

342. In countries in which their employment conditions are established by specific types of contract or statutory provisions, public employees may be granted educational leave under regulations that differ from those of the general scheme. In France the State applies to public servants a vocational training and training for promotion policy which, by law, is similar in scope and in the methods employed to that extended to other workers - although taking account of the specific nature of the public service;¹⁹ however, the grant of educational leave to these categories of staff, established by decree, differs considerably from that provided for by the Act on individual training leave applicable to all other workers.

Special cases

343. In their reports, a number of governments refer to legislation relating to apprenticeship. Bangladesh mentions legislation establishing the respective obligations of employers and apprentices.²⁰ Côte d'Ivoire quotes a provision from the Labour Code whereby the master must leave the apprentice the time and freedom to attend the vocational training course required.²¹ The Conference did not envisage this application of the concept of educational leave but set out primarily to introduce it as a means of continuing education and training within a normal employment relationship: by its very nature, an apprenticeship contract incorporates the training component as an essential feature, and the relations differ from those under an ordinary employment contract.

344. In a number of countries in Latin America, employers are obliged to finance bursaries for workers and their children in proportion to the size of their enterprise.²² These bursaries may be assimilated to paid educational leave when the beneficiaries are workers within the enterprise itself, but not when they provide for children's study expenses.

345. The ordinary meaning of "leave" generally implies that the beneficiary is actively employed. However, the Government of the Netherlands has broadened this concept by allowing unemployed persons

¹⁸ Act relating to economic recovery of 22 January 1985 containing social provisions, Chapter IV, section 6: granting of paid educational leave within the framework of workers' continuous training, section 108, para. 3.

¹⁹ Labour Code (LS 1981-Fr. 1), section L.970-1.

²⁰ Apprenticeship Ordinance of 2 June 1962 (LS 1962-Pak. 2).

²¹ Labour Code, section 1 D 45, para. 5. The report of the Government of the United Kingdom (Hong Kong) deals with apprenticeship alone.

²² Honduras (collective agreements: Instituto nacional de la vivienda, clause No. 39; Instituto nacional agrario, clause No. 24; Cementos de Honduras, clause No. 80); Mexico (Federal Labour Act (LS 1969-Mex. 1, section 132 (XIV))); Venezuela (Labour Act (LS 1983-Ven. 1, section 136)).

to participate in training programmes under its educational leave policy whilst enjoying unemployment benefits.

346. A number of provisions extend paid educational leave to categories of workers not specially envisaged by the ILO instruments. In Luxembourg, the Act relating to the setting up of educational leave stipulates that it may be applied to self-employed persons.²³ In France, provisions specific to persons who have been employed under fixed-term contracts regulate the conditions and procedures applicable to their entitlement to educational leave.²⁴

Section 2. Definition of paid educational leave

347. Article 1 of the Convention defines paid educational leave as leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements. The actual formula "paid educational leave" appears rarely in national legislation.²⁵ Of course, legislation may or may not conform to the standards of the Convention, independently of the national terminology. It is therefore useful to examine in turn the three elements contained in the definition: leave granted for a specified period during working hours; payment of financial entitlements during the leave; and educational purposes, in the categories set forth in Article 2.

(a) Leave granted for a specified period

348. The concept of leave is to be understood in the very broad sense of any release from work for educational purposes. The determination of the form and duration of such leave is left to national policies in accordance with national conditions and practice. The arrangements mentioned by governments in their reports thus vary considerably. Among the versions of educational leave mentioned as giving effect to the provisions of the Convention and Recommendation, which range in duration from a few hours to several years, are leave of absence for examinations, reduction of daily or weekly working hours to facilitate attendance at evening classes, permission to attend classes during working hours either within or outside the enterprise, leave granted for the duration of an educational course or cycle, and sabbatical leave.

349. All these arrangements meet the essential requirement that educational or training activities should take place during working hours. The time devoted to these activities must be included in

²³ Act of 4 October 1973, as amended by the Acts of 24 February 1984 and 1 June 1989 on educational leave, section 6.

²⁴ Act No. 90-613 of 12 July 1990 to promote the stability of employment through the adjustment of the rules governing precarious contracts. ILO: Labour Law Documents 1990/3, Geneva 1990, Title III, s. 11, p. 73.

²⁵ For example, in Belgium in the Act of 22 January 1985 referred to above.

working hours if there is to be genuine educational leave within the meaning of the instruments, since they are intended to encourage the development of continuing training by enabling workers to complete their education or training in such a way that the extra effort that they are willing to make for this purpose does not add to the fatigue associated with their normal workload or curtail their hours of leisure.

(b) Payment of adequate financial entitlements

350. For the same reason, educational leave must be remunerated, as workers' education cannot be legitimately promoted if they have to bear the cost represented by loss of income during unpaid leave. However, the Convention does not demand that total earnings and other entitlements be maintained for a worker who has been granted educational leave. In fact, the Conference decided against such an obligation in favour of a more flexible formulation which authorises total or partial compensation for loss of earnings: leave must be accompanied by adequate financial entitlements.²⁶ The determination of the amount and the form of such financial entitlements is a matter for national policy and practice. In respect of the amount, these entitlements should, under the terms of the Recommendation, be such as to maintain the level of earnings and take into account all major additional costs arising from education or training. As regards form, again according to the Recommendation, this could entail continued payment of wages and other benefits or the grant of an adequate compensation.

351. While recognising the right of a worker on educational leave to receive financial benefits, the Convention does not specify the person or body responsible for meeting the corresponding financial obligation. Here again, the appropriate arrangements are a matter for national policy and are likely to vary according to the purpose of the leave in question. The government reports describe various methods applied in various proportions according to country: direct financing by individual employers within their own enterprises; financing by employers in general by means of a mutual insurance system; and financing by the State. Furthermore, in many cases the grant of leave and the payment of financial entitlements are the results of two separate decisions involving different regulations, especially in respect of conditions applying to training: the types of training for which leave may be granted do not all necessarily allow the right to financial entitlements implied in the notion of paid educational leave.

(c) Educational purposes

352. The educational purposes of paid educational leave are specified in Article 2, which distinguishes three types of education and training to be provided by means of such leave: training at any level; general, social and civic education; and trade union

²⁶ ILO: Paid educational leave, op. cit.; Record of Proceedings, op. cit., No. 17, paras. 22-24.

education. The Conference Committee agreed that the expression "training at any level" meant training related to employment accessible to every category of worker from the simple labourer to the executive.²⁷ Article 3 defines the major objectives to which the policy for the promotion of paid educational leave should be designed to contribute. The three relatively specific objectives mentioned in paragraphs (a), (b) and (c) correspond to the categories of education or training to be promoted by educational leave under the terms of Article 2. Paid educational leave for the purpose of training at any level refers to the acquisition, improvement and adaptation of occupational and functional skills and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change. Trade union educational leave contributes to the competent and active participation of workers and their representatives in the life of the enterprise and of the community. General, social and civic educational leave should contribute to the promotion of the human, social and cultural advancement of workers. Paragraph (d) relating to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements, covers the three other aims while at the same time enabling other objectives to be attained.²⁸

353. The order in which these aims are presented, which varies in Article 2 and Article 3 of the Convention, does not imply any classification by priority or any hierarchy. It is for each country to establish its own scale of priorities in respect of the objectives to be promoted by its educational leave policy and the extent to which each of the different types of training and education is to be promoted by this means, in accordance with its special needs and available resources.

354. In some countries, the legal provisions, while not exactly reproducing the categories mentioned by the Convention, assign the same set of educational aims to educational leave. In Finland, the law relating to educational leave stipulates that studies or training for which educational leave may be granted may take the form of primary, secondary or higher education, and participation in vocational training courses or in trade union education.²⁹

355. The information received shows, however, that in most cases leave for trade union education is covered by separate provisions from those governing educational leave for the purpose of training related to employment or general education. In Canada (Quebec), the definition of educational leave as leave granted to any employee who wishes to complete or improve his or her academic or technical training³⁰ would appear to exclude trade union training. In Germany, the laws and regulations of the Länder, referring to the purposes for which educational leave may be granted, distinguish

²⁷ Record of proceedings, ILC, 59th Session, 1974, No. 17, para. 32.

²⁸ *ibid.*, para. 35.

²⁹ Above-mentioned Act of 9 March 1979, section 5.

³⁰ Manuel de codification des conventions collectives du ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu.

between general education, political education and vocational training,³¹ while leave for trade union education is covered by the provisions of federal legislation and collective agreements.

356. Whether or not a distinction is clearly drawn between vocational or technical training and general or academic education, the intention of directing educational leave towards what are considered to be economic or social priorities is frequently reflected in the different conditions applied to the various forms of training or continuing education. This preference is sometimes expressed in adjustments in duration. In Belgium, the maximum annual leave allowed for vocational training is 240 hours, compared with 160 hours for general education.³² In Cuba, the length of educational leave depends on the subject chosen, ranging, for example, from 15 days per year for arts and social studies to 45 days per year for training in mechanical construction or transport.³³ Differing levels of financial entitlements may also direct workers towards the type of training considered most useful: in Switzerland, the regulations applying to postal or railway officials provide for total or partial payment of wages depending on the extent to which the department gains from the training undertaken.

Section 3. Functions of paid educational leave

357. In distinguishing between training related to employment and general, social and civic education, the Conference clearly intended paid educational leave not only to be used for the vocational training of workers but also to contribute to the satisfaction of their broader aspirations to human, social and cultural advancement. At the same time, the Conference refrained from proclaiming the right of all workers to be granted paid educational leave for an educational purpose that they themselves have chosen.

358. The preamble to the Convention refers to article 26 of the Universal Declaration of Human Rights, which affirms that everyone has the right to education, and it was envisaged at the time of the first discussion that the Convention should define paid educational leave, on this model, as "a new labour right". The proclamation of such a right, however, was considered unrealistic, in particular in countries that lacked the necessary resources to implement it and not in keeping with the flexibility that was intended to characterise these standards. The Conference ultimately decided to confine itself in the preamble to a recognition of paid educational leave as "one means of meeting the real needs of individual workers in a modern society". The same spirit of realism and flexibility led the Conference to include, in the Recommendation only, the principle that workers should

³¹ For example, Saarland (Act of 17 January 1990, section 2); Schleswig-Holstein (Act of 7 June 1990, section 3).

³² Above-mentioned Act of 22 January 1985, section 111.

³³ Decree No. 91 of 25 May 1981 containing regulations on the facilities granted to workers on study courses, section 4.

remain free to decide in which education or training programmes they wish to participate.

359. The Conference thus arrived at a very broad concept of paid educational leave, which could accommodate arrangements designed to meet the training needs of the enterprise or the cultural aspirations of the workers, as employers could send workers on training courses or workers take such leave on their own initiative, and the training could be provided either within or outside the enterprise. Thus the various practices described by the member States in their reports can apparently be classified according to two complementary criteria: the closeness of the training course to the job performed by the worker, and the extent to which the worker may choose a training course.

(a) Guaranteeing the rights of
workers undergoing training

360. For a large number of countries, the regulations governing paid educational leave are mainly intended to guarantee the rights of workers who undertake training at the request or with the encouragement of their employer, the training course being generally closely related to the job performed.

361. In Côte d'Ivoire, these rights are very clearly presented as being the compensation to the worker for the obligation to undertake training imposed by the employer; for training in the interests of social and economic advancement, the employer is entitled to demand that staff members attend vocational training or retraining courses necessary for the performance of their duties and for their adjustment to economic developments. However, during the time of vocational training or retraining, the worker receives full wages and related benefits, with the exception of benefits specific to the actual performance of the duties.³⁴ Similarly, in Bulgaria, the obligation under the Labour Code for workers to participate in training courses to update and improve vocational skills is discharged during the job's hours of work, while the gross wage and other entitlements arising out of the employment relationship are maintained.³⁵ In Mexico the law recognises the right of every worker to be given training by his employer to update the worker's knowledge and skills in his particular occupation, to keep him informed of new technology, to prepare him to fill a vacancy or newly created post, to prevent occupational hazards, to increase productivity and, in general, to improve his abilities. This training, the programme for which is drawn up by common accord between the employer and the trade union or the workers, must be provided during the worker's hours of work.³⁶

³⁴ Inter-occupational collective agreement of 20 July 1977, article 43, paras. 5 and 7.

³⁵ Labour Code (1986), section 232.

³⁶ However, if the worker wishes to be trained in an activity other than his present occupation, training takes place outside his hours of work: above-mentioned Federal Labour Act, sections 153A, 153E, 153F.

362. In cases where continuing training is necessary for the performance of the job and meets a need of the enterprise, which organises the training for its own workers, it is seen as a special type of work assignment and there is no reason to refer to it in terms of leave. Where it is specified that the training is provided during working hours, as in Mexico, it is not even necessary, for example, to state that these hours of work are remunerated.

363. The concept of training courses is sometimes used to refer to the period of training, as in Guinea, where the law states that employees undertaking a training or advanced training course continue to receive the wages they would have received if they were working as usual, during the entire course, and also continue to receive all social benefits to which they are entitled as workers.³⁷

364. Leave, however, is usually the term used to indicate the time that workers devote to training and not to the performance of their normal duties at their place of work. In Ethiopia, the law provides that any worker who participates in a training programme organised by or through the enterprise has to be granted leave with full pay for the period so required.³⁸ In Tunisia, public-sector officials and workers required to undertake a programme of continuing training organised by the administration are entitled to educational leave for the duration of the programme.³⁹

365. In countries where a worker may be granted such leave without being ordered by the employer to undertake training, educational leave may none the less be restricted to training of a strictly vocational nature. In Yugoslavia, the law provides for leave for vocational and further training.⁴⁰ In the Netherlands, collective agreements organise special leave to enable workers to undertake specialised training related to the occupation in which they are engaged. Public service employees in Canada may, at their own request, be granted educational leave to attend a course of studies in some field of education in which special preparation is needed to enable them to fill their present role more adequately, or to undertake studies in some field in order to provide a service which the employer requires or is planning to provide.⁴¹

366. The requirement of a relation between the training and the worker's occupation is in some countries, while still an essential condition, expressed more flexibly. In Iraq, educational leave is granted to every government official admitted to higher education, provided that the studies in question have a bearing on the duties of his office or the competence of the ministry in which he serves.⁴² In India, educational leave may be granted to a government servant for

³⁷ Labour Code (LS 1988-Guinea 1, section 48).

³⁸ Labour Proclamation No. 64 of 6 December 1975 (LS 1975-Eth. 1, section 40(1)).

³⁹ Above-mentioned Decree No. 85-264.

⁴⁰ The Associated Labour Act of 25 November 1976, section 129.

⁴¹ Master Agreement between the Canadian Treasury Board and the Public Service Alliance, article M-23.01.

⁴² Revolutionary Command Council Decisions No. 1060 of 7 August 1971 and No. 1436 of 15 December 1971.

the pursuit of studies which may not be closely or directly connected with his work but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant.⁴³ In Egypt, public servants may obtain leave to undertake scientific, technical or practical studies or receive practical training, on condition that such studies or training meet a requirement of public interest.⁴⁴

367. Several reports referred to the difficulty of making it compulsory for private or public employers to grant their workers leave to enable them to engage in an educational or training course which is not of direct advantage to the enterprise, for example in terms of increased productivity. The paucity of resources and the difficulty of offering the workers thus trained the promotion to which they would be entitled often lead enterprises to confine their efforts to providing the types of training that they consider will produce a quick return on investment. This approach is clearly revealed in a Circular transmitted by the Nigerian Government with its report.⁴⁵ In Canada, the federal government manual on public personnel training specifies that training is not an employee entitlement but an investment which should be encouraged to the extent that it is based on organisational needs.⁴⁶

(b) Enabling workers to carry out autonomous training plans

368. In a small number of countries, European for the most part, there is an increasingly prevalent idea that paid educational leave only means leave granted at the worker's request for a training or educational course which takes place outside the enterprise. Paid educational leave is thus conceived as a worker's right to leave the enterprise for training during working hours for a specified period, with financial benefits and without the leave being deducted from annual vacation entitlement. In this concept of paid educational leave the initiative is taken by the worker, who is free to choose educational purposes, broadly or narrowly defined, which need not be closely related to the job performed. Under the terms of legal provisions or collective agreements, workers thus have a right for educational leave to be granted by their employer, regardless of whether the enterprise stands to gain from the particular training or education that the worker intends to undertake during the period of leave. This results in workers being able to carry out education plans which are autonomous and distinct from those of the enterprise.

369. Educational leave should therefore be distinguished from vocational training organised to meet the needs of the enterprise, and this distinction is a basic element in its definition. In so far as the right to educational leave is regarded as the workers' right to

⁴³ Central Civil Service Leave Rules (1972), Conditions for grant of study leave, article 50, (2), (iii).

⁴⁴ Above-mentioned Act No. 112 of 1959.

⁴⁵ Circular SMD 1907/47 of 13 January 1987.

⁴⁶ Personnel Management Manual, Vol. Human Resource Usage, Ch. Conditions governing training, paras. 4-3, 4-4.

undertake training on their own initiative during a specified period, it is important that this period should not be confused with the time devoted to training courses required by the employer. In Switzerland, the section of the print workers' collective agreement concerning vocational training leave contains a clause whereby retraining in connection with technological change cannot be counted as part of educational or training leave;⁴⁷ it is the employer's responsibility to organise work-related training within the enterprise, while educational leave should be reserved for other purposes. In Finland, the law provides that the period of study leave must not include any period in which the worker follows a course of training or study on instructions from the employer; or in respect of which provision has been made in a contract of employment or collective agreement for the training or study to be equated with work; or during which the worker takes part in a statutory course of training prescribed for his occupation, if he has not agreed to it in writing;⁴⁸ in this case the worker would merely be fulfilling a duty pertaining to his employment, whereas, in fact, the same Act defines "educational leave" as any period for which an employer has released a worker from the performance of the duties pertaining to his employment to enable him to pursue a course of training or study. In France, training leave, typified by the worker's individual initiative, should be distinguished from attendance at training courses in the context of training prescribed by the employer in accordance with the aims of the enterprise: by law, the purpose of educational leave is to enable any worker, in the course of his working life, to participate in educational schemes on his own initiative and in his individual capacity, irrespective of any periods of training forming part of the training plan of the undertaking in which he is employed.⁴⁹

370. This form of educational leave usually allows for participation in vocational training and general educational programmes. In Finland the law stipulates that instruction or training in respect of which study leave is granted may take the form of study required for primary or secondary schooling or further study, or participation in vocational instruction or further training. In Sweden, the Act concerning the right of workers to time off for training purposes contains no conditions on the type of training allowed; the choice is left to the worker's discretion. One of the characteristics of laws and collective agreements in Germany is that they provide for leave for the purpose of political education as well as for vocational training and general education.

371. In France the law assigns a very broad objective to educational leave. Training or educational activities undertaken under the terms of educational leave can enable workers to acquire higher qualifications, to change their jobs or occupations and to gain

⁴⁷ Printworkers' Collective Labour Agreement (Book and Paperworkers' Union/Swiss Association of Graphic Arts).

⁴⁸ Above-mentioned Act of 9 March 1979, section 2.

⁴⁹ Labour Code, section L.931-1.

a greater awareness of cultural and social matters;⁵⁰ the right to such leave is not contingent on the choice of education or training, which may serve cultural, occupational or redeployment objectives; however, leave will not be remunerated unless the training or education chosen is approved by the competent authorities. In Belgium, the law lists the various vocational or general education courses for which paid educational leave may be granted: an Approvals Commission has been established for the purpose.⁵¹

372. While based on a different logic, the provisions of some countries awarding privileges or facilities to workers pursuing their studies arrive at the same result - that the granting of paid educational leave is not conditional on the usefulness of the course attended in respect of the worker's occupation. Pursuing a course of study is usually sufficient justification in itself for the granting of educational leave, irrespective of whether the studies in question come under the definition of general or vocational education, and whether they are related to the worker's occupation in the enterprise or not. In the USSR (RSFSR), the Labour Code stipulates that manual and non-manual workers who combine work with study at general educational establishments and vocational institutions are entitled to a shorter working week or shorter daily hours of work, while drawing their normal pay.⁵² In Cuba, university students are allowed a shorter working week without loss of earnings.⁵³ In Hungary, workers who pursue studies while in employment are entitled to study leave and to a reduction in hours of work;⁵⁴ the same is true of Czechoslovakia.⁵⁵

373. Several countries provide for this type of facility in one form only: that of a limited period of leave of absence for examinations. Such leave of absence is designed to encourage workers to carry out individual education plans, for which most of the preparation takes place outside working hours. In Spain, the law provides that a worker is entitled to any necessary time off to sit an examination,⁵⁶ even if the examination in question is in a field which bears no relation to the occupation referred to in the contract of employment.⁵⁷ In Argentina, a worker is entitled to special leave to take a secondary school or university examination, the one

⁵⁰ idem.

⁵¹ Above-mentioned Act of 22 January 1985, sections 109-111.

⁵² Act to approve the Labour Code of the RSFSR, 9 December 1971, (LS 1971-USSR 1, section 189).

⁵³ Act No. 1130 of 26 November 1963, sections 5-6.

⁵⁴ Labour Code (LS 1967-Hun. 2A), section 43(2) and decision for the application of the Act to promulgate a Labour Code (LS 1967-Hun. 2B), section 60.

⁵⁵ Notification on the granting of occupational facilities and economic security to persons studying during working hours, No. 140/1968.

⁵⁶ Above-mentioned Act No. 8 of 10 March 1980 to promulgate a Workers' Charter, section 22(1)(a).

⁵⁷ As established by the Central Labour Tribunal in its ruling of 7 March 1985.

condition being that the examination is related to an official teaching programme or to one authorised by the competent authority; this special leave is remunerated in the same manner as ordinary leave.⁵⁸

(c) Leave for trade union education

374. Leave for purposes of trade union education is guaranteed in a number of countries by law or collective agreements. Usually, however, workers are entitled to such leave only if they are trade union officials or staff representatives, and it is thus strictly functional in character. Provisions entitling all workers to leave for trade union education are still rare.

375. Leave for trade union education is frequently included among the facilities granted to workers' representatives, in line with the 1971 Workers' Representatives Convention (No. 135) and Recommendation (No. 143). Recommendation No. 143, to which reference is made in the preamble to Convention No. 140, stipulates that, in order to enable them to carry out their functions effectively, workers' representatives should be afforded the necessary time off for attending, among other things, trade union courses and seminars. In Germany, a federal law stipulates that members of the works council and the youth delegation must be released from their work without loss of pay to attend training and educational courses, in so far as the knowledge imparted is necessary for their activities.⁵⁹ Similarly, in the Netherlands, the members of the works council are entitled to be released from their work for the purpose of the education and training they consider necessary for the performance of their duties.⁶⁰ In the United Kingdom, the training received must cover aspects of industrial relations relevant to the carrying out of trade union duties.⁶¹ In Australia, arbitration awards establishing the right of a worker representing personnel or appointed by the trade union to attend trade union training courses during working hours frequently specify that the content of such courses should be such as to contribute to a better understanding or improvement of labour relations. In France, the law entitles permanent members of the works committee to attend training courses in economics during working hours.⁶² In all of these countries, similar provisions entitle members of the health and safety committees to attend training courses

⁵⁸ Consolidated text of the rules governing contracts of employment (LS 1976-Arg. 1), sections 158(e), 159.

⁵⁹ Works Constitution Act of 15 January 1972 (LS 1972-Ger.F.R. 1), sections 37(6) and 65(1).

⁶⁰ Works Council Act (LS 1979-Neth. 1), section 18(2).

⁶¹ Employment Protection Act of 12 November 1975 (LS 1975-UK 2), section 57(1); Employment Protection (Consolidation) Act 1978, section 27. The Government states in its report that section 14 of the Employment Act 1989 amended section 27 of the 1978 Act, with the aim of placing a more reasonable limit on the employer's obligation to grant paid leave to trade union officials.

⁶² Labour Code, section L. 434-10.

to prepare them for the performance of their duties during working hours.⁶³

376. Even when not subject to the worker exercising a particular responsibility in the enterprise or the trade union, entitlement to leave may be limited to trade union members. In Egypt, the Trade Union Act stipulates that any time spent by a member of a trade union organisation on training or educational courses counts as study leave on full pay.⁶⁴

377. Leave may be granted to attend workers' education courses organised by trade unions or their institutions created for that purpose. In Ethiopia, every worker who participates in a training programme organised by a trade union is entitled to leave for the required time, during which the level of remuneration is to be agreed between the union and the enterprise.⁶⁵ In Iraq, workers who follow a programme organised by the Workers' Education Institute retain their right to full pay for the duration of the programme.⁶⁶ In France, workers wishing to take part in courses or seminars devoted exclusively to workers' education or trade union training and organised either by centres attached to trade unions that are recognised as representative at the national level or by specialised institutions are entitled, if they so request, to one or more periods of paid leave.⁶⁷ In Belgium, the law on paid educational leave treats courses organised by organisations representing workers as equivalent to general education.

Section 4. Co-ordination with general policies

378. Article 4 of the Convention stipulates that the policy to promote the granting of paid educational leave should take account of the stage of development and the particular needs of the country and different sectors of activity. The Recommendation adds that it should also take account of other social objectives and national priorities. It should be co-ordinated with general policies concerning employment, education, training and hours of work.

379. Since the first part of this survey examined methods of co-ordinating policies concerning continuing training with policies for education and employment, this section will merely give brief indications from some reports as to the role played by educational leave as such in these policies.

⁶³ For example, United Kingdom (Safety Representatives Regulations of 16 March 1977 (LS 1977-UK 1, section 4(2)(b))); France (Labour Code, section L. 236-10).

⁶⁴ Trade Union Act No. 35 of 1 May 1976 (LS 1976-Eg. 1), section 24.

⁶⁵ Above-mentioned Labour Proclamation, section 40(2).

⁶⁶ Workers' Education Institution Act No. 162, 1964; Revolutionary Command Council Decision No. 461/1979.

⁶⁷ Labour Code, section L. 451-1.

(a) Education and training policy

380. The Recommendation states that it should be recognised that paid educational leave is not a substitute for adequate education and training early in life, and that it is only one of a variety of means for continuing education and training.

381. Some countries recognise the special responsibility of the employer for the general training of the workers he employs, beginning with the campaign to combat illiteracy: in Afghanistan, the hours during which reading and writing are taught are considered hours of paid work.⁶⁸ In Brazil, an employer whose enterprise employs minors aged under 18 years is obliged to allow them the time necessary to attend school, and establishments located more than two kilometres from the nearest school and permanently employing more than 30 minors who cannot read or write must provide a suitable room where they can be given elementary instruction.⁶⁹ In Mexico, literacy courses, like primary and secondary-school courses, are recognised as training for work and may therefore be attended during working hours.

382. Paid educational leave is sometimes conceived as a means of enabling young people who have recently begun working life to complete their initial training. In Luxembourg, the law on educational leave was originally designed for civic and social education and vocational training for young adults. In France, young employees under the age of 25 years who have left the school system or apprenticeship with incomplete or inadequate training are entitled to training leave specifically intended for young workers.⁷⁰ In Venezuela, young persons aged under 18 years who work in factories or commercial establishments are required to attend the vocational further training courses organised by the National Institute for Educational Co-operation (INCE), and employers must ensure that they continue to attend their training courses.⁷¹

383. In Sweden, all workers as a matter of principle have the right to remedial education or training and the Government is hoping to turn training leave into a genuine second chance to go to school. One of the main objectives of the policy to promote paid educational leave is that of providing equality of opportunity: it should be a means of compensating for the disadvantages suffered by those who have had a poor education and should primarily help the under-educated or those who work in arduous and unpleasant conditions.

(b) Employment policy

384. Unlike the vocational guidance and vocational training policies, which governments include within their general training policies in most cases, none of the measures to promote paid educational leave described in the reports appears to have been

⁶⁸ Labour Code, section 46(2).

⁶⁹ Consolidation of Labour Laws (LS 1985-Bra. 1), section 427.

⁷⁰ Labour Code, section L.931-14.

⁷¹ Act of 22 August 1959 respecting a National Institute for Educational Co-operation (LS 1959-Ven. 1), sections 19 and 20.

co-ordinated with employment policy as required by Article 4 of the Convention. The Committee notes that employment policy was expressly mentioned by Governments only as an obstacle to a policy designed to encourage the granting of paid educational leave.

385. Thus, several governments stated in their reports that an active policy to promote educational leave would be incompatible with the priorities currently assigned to their employment policies. The Government of Ireland considered that it would be inadvisable to impose new responsibilities on employers at a time of high unemployment. In Canada, recent surveys conducted by the Government of Quebec show that, up to the present, government intervention on manpower issues has been chiefly directed at income support programmes, such as social assistance and unemployment insurance, rather than towards active measures to enhance the skills of workers already in employment. The Government of Austria maintains that, in the present economic situation, the only workers who would benefit from educational leave would be those in secure employment, whereas a high proportion of workers would not apply for such leave for fear of losing their jobs.

386. Although the reports do not mention direct links between employment policy and the promotion of paid educational leave, a certain concern with employment is still evident from some provisions. In France, for example, employees who have changed jobs as a result of redundancy can obtain training leave under more favourable conditions: if they have not followed a training course between the date of their redundancy and the date of their re-employment, their application for leave is not subject to a seniority requirement.⁷²

(c) Policy concerning hours of work

387. The information received does not mention the co-ordination provided for by the Convention between the policy to promote paid educational leave and that concerning hours of work. Thus, Austria only mentions its policy concerning hours of work to explain that priority is given to the reduction of working time for all workers, and that this would be undermined by the introduction of legislation on educational leave. In this respect, the Committee recalls that the policy to promote paid educational leave should, under Article 4 of the Convention, be co-ordinated in particular with general policies concerning hours of work, having due regard as appropriate to seasonal variations of hours of work or of volume of work.

Section 5. Involvement of employers' and workers' organisations in the paid educational leave policy

388. Article 6 of the Convention specifies that the public authorities, employers' and workers' organisations, and institutions or bodies providing education and training must be associated with the

⁷² Labour Code, section L.931-2.

formulation and application of the policy for the promotion of paid educational leave.

389. Several reports state in very general terms that employers' and workers' organisations are consulted when policy is being formulated, and that they participate in its implementation; but they fail to supply any further details on the manner in which such organisations are associated. In some countries, tripartite co-operation on policy relating to paid educational leave is ensured through a national body responsible for training in general. Since the types of institutional arrangements have already been examined in the first part of this survey, it may suffice here to examine the terms under which employers and workers are associated with matters of paid educational leave.

390. In Belgium, the law which introduced paid educational leave established a committee responsible for the approval of training programmes and for monitoring the financial aspects of the system: this committee, whose general function is advisory and supervisory, is a joint structure with equal representation of employers and workers under the chairmanship of a representative of the Minister of Employment and Labour; in addition, one representative of each minister concerned with national education sits on the committee in an advisory capacity.⁷³ In France, the policy concerning educational leave is formulated by national inter-occupational agreements, which are generally ratified by law; however, the law leaves it to collective bargaining to settle, by inter-occupational or collective agreement, how the costs relating to paid educational leave are to be defrayed by the joint structures, and to decide on the composition and powers of the national body responsible for implementing the said agreement;⁷⁴ joint structures approved by the State play a central role in the administration of educational leave, whether they are responsible for collecting employers' contributions or for approving the types of training during which workers on training leave are entitled to remuneration. In Sweden, an adult education commission at county level is responsible for examining applications for a study allowance; this commission comprises nine members, of whom five are trade union representatives and four are county councillors.

391. At enterprise level, worker consultation on the granting of paid educational leave can be organised through bodies responsible for general conditions, such as the works council in Germany, which is responsible for matters of training as well as leave. In Mexico, joint training committees, on which employers and workers are equally represented, are responsible for supervising procedures in each enterprise.

392. Recommendation No. 148 specifies that the policy of promotion, with which the public authorities and the employers' and workers' organisations are associated, should involve measures to encourage workers to make the best use of education and training facilities available to them, and encourage employers to grant paid educational leave to workers. There should be adequate systems of

⁷³ Above-mentioned Act of 22 January 1985, section 111.

⁷⁴ Labour Code, section L.931-8-1.

information and guidance regarding opportunities for paid educational leave.

393. In Sweden, the responsibility for informing workers of the types of study and the opportunities for educational leave available to them falls to a specially trained studies organiser, elected by the workers. In France, a tripartite body providing information on continuing training disseminates information on training leave. In Poland, the public authorities publish brochures containing detailed information on the facilities and benefits granted to workers undertaking studies or improving their skills outside the formal system of education.

394. It is essential to underline the enormous importance of information on paid educational leave, as a genuine policy of promotion should not only lead to the adoption of appropriate measures but should also publicise them widely to enable every worker to benefit from them.

CHAPTER II

IMPLEMENTATION OF PAID EDUCATIONAL LEAVE

Section 1. Conditions for the grant of paid educational leave

395. While it requires the formulation and application of a policy designed to promote the granting of paid educational leave for the purposes it prescribes, the Convention is not intended to lay down details as to the conditions for the grant. Such details would be out of place in an instrument which leaves it to appropriate national measures to determine means adapted to national conditions and practice to implement paid educational leave as defined in Article 1. Article 10 merely states that conditions of eligibility for paid educational leave may vary according to whether such leave is intended for training at any level, general, social or civic education, or trade union education. This is a useful indication: the policy should facilitate the grant of paid educational leave for a number of educational purposes; at the practical implementation stage it should not result in the application of identical conditions for the grant of leave for different types of training or education. The adoption of a single policy to encourage the grant of paid educational leave for the three purposes prescribed does not necessarily mean that the same criteria should be applied to the authorisation of leave for each purpose.

396. However, the Convention does contain one provision which applies in a mandatory fashion to the conditions for the grant of any paid educational leave, irrespective of its educational purpose: the provision on equal treatment laid down in Article 8. Under this Article, paid educational leave may not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

397. Given the considerable flexibility allowed in the determination of the conditions for leave based on its educational purpose, on the one hand, and the prohibition of any discrimination running counter to equal treatment, on the other, the Recommendation provides useful guide-lines as to how to establish criteria for eligibility which are both lawful, being non-discriminatory, and relevant, in keeping with the aim of paid educational leave, which is to facilitate, as effectively as possible, workers' lifelong training and education. According to Paragraph 17(1) of the Recommendation, in determining conditions of eligibility, account should be taken of the types of education or training programmes available and the needs of

workers and their organisations and of undertakings, as well as the public interest.

398. The concept of conditions to be fulfilled by workers in order to benefit from paid educational leave would seem to apply to the case where a worker's subjective right to this leave is recognised: it would therefore be appropriate to establish the conditions of entitlement. On the other hand, when paid educational leave is used by the employer to send a worker on a training course, there may appear to be no reason to fix general rules concerning the conditions governing the granting of such leave, since the recipients of the leave would be determined exclusively by the employer in his managerial capacity and in accordance with his assessment of the interests of the enterprise and its training needs. This concept must, however, be qualified since the general rules of the Convention remain applicable even if the paid educational leave is granted only for the purposes of undergoing training related to the job performed, in the interests of the enterprise and at the request of the employer. In particular, the choice of recipients must not be discriminatory. In the same way, a training programme which makes provision for the granting of paid educational leave only for workers who have already acquired higher qualifications would not be consonant with the objective of training at all levels to the benefit of all workers, irrespective of their level of initial training and responsibility.

399. There remain a number of reports which, as regards the conditions governing the grant of paid educational leave, mention only the designation or selection of workers by the management for training or further training courses, without further details concerning the selection criteria applied. In some cases, the only criteria mentioned, which appear to be left to the employer's discretion, seem to present paid educational leave as much as a form of reward or bonus as a means of continuous training: this is the case when reference is made to the merit or the outstanding quality of the recipient.

400. According to the information provided by the reports which mention regulations concerning the conditions for entitlement to paid educational leave, such conditions can be divided into three categories - those applicable to the worker, the enterprise and the training intended. Such distinctions are made mainly for the sake of convenience: in practice, the procedure for the grant of paid educational leave takes account of a number of criteria, which may occur in very complex combinations in which each condition must be interpreted in the light of the others. Without describing each national situation, the Committee will confine itself here to outlining the most frequently mentioned conditions for granting such leave.

(a) Conditions applicable to the worker

401. Since these conditions are directly applicable to the worker, it is important to know the method for ensuring that the criteria for the grant of leave are free of all distinction, exclusion

or preference¹ contrary to equal opportunity and treatment. Under Article 8 of the Convention measures should be taken to ensure equal access to paid educational leave, in particular by prohibiting the application of discriminatory conditions to workers.

402. In some countries, the texts concerning paid educational leave contain a provision which, although it is not discriminatory within the meaning of Article 8, reserves entitlement to leave to nationals² or citizens.³ On the other hand, they usually contain no provision comparable in scope to Article 8.

403. The lack of special provisions in legislation or collective agreements to guarantee that workers enjoy equal access to this leave irrespective of their race, colour, sex, religion, political opinion, national extraction or social origin is explained in most cases by the existence of texts of a more general scope allowing the conditions for the granting of paid educational leave to be made subject to the principle of non-discrimination. According to the government reports, this is the case when the prohibition of any discrimination and the principle of equal treatment are included in the Constitution,⁴ the Labour Code⁵ or a generally applicable act respecting conditions of employment.⁶ One government points out that since the prohibition of acts of discrimination is a matter of criminal law, refusal to grant educational leave on discriminatory grounds would be a criminal offence subject to penal sanctions.⁷

404. Not only do these national provisions not always cover all the criteria of discrimination laid down by the Convention, they are moreover sometimes likely to be less decisive in practice than the lower-ranking rules which directly govern the procedures for the grant

¹ Under the terms defining discrimination in Article 1 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

² For example, Venezuela (above-mentioned Labour Act, section 136).

³ For example, Mozambique (Decree No. 35/78 dated 23 December 1987 to establish a scheme applicable to student workers, section 3). On the other hand, in Luxembourg the Act respecting educational leave applies to residents (above-mentioned Act dated 4 October 1973, section 2).

⁴ For example, Yugoslavia (Constitution (LS 1974-Yug. 1), section 154).

⁵ For example, Afghanistan (Labour Code, section 8); Mexico (Federal Labour Act, section 3). The Government of Hungary states that section 18(3) of the Labour Code, which prohibits any discrimination based on sex, age, nationality, race or social origin between citizens in the conclusion of an employment relationship and the determination of the rights resulting from such a relationship, has been amended by Act XLI dated 24 November 1989, which adds to the original text the prohibition on any discrimination based on religion, membership in a representative workers' organisation or political beliefs.

⁶ For example, Japan (Act No. 49 dated 7 October 1947 respecting conditions of employment (LS 1947-Jap. 3), section 3).

⁷ France (Penal Code, sections 187 and 416).

of paid educational leave. Thus, in one country whose Constitution prohibits any discrimination on the grounds of political affiliation, the text which regulates the admission of certain categories of workers to higher education mentions the recommendation of the Party amongst the conditions required.⁸ In another country, workers entitled to special study facilities are selected account being taken of their revolutionary integration and other factors of a social and political-moral kind although both the Constitution and the Labour Code guarantee equality of treatment.⁹ The Committee would emphasise, as it has on several occasions including in its general surveys on discrimination, the need to ensure by means of complementary measures that constitutional or legislative provisions on equality in employment and occupation, in particular as regards access to training, are applied in practice.

405. In a small number of countries, entitlement to paid educational leave is reserved for young workers up to a maximum age, usually fixed at 25¹⁰ or 30¹¹ years. In this case paid educational leave is intended to facilitate the continuation of studies or serve as a supplementary form of training after initial training¹² but not to provide lifelong education and training. General conditions establishing an upper age limit are relatively rare and are being progressively abolished.¹³

⁸ United Republic of Tanzania (Constitution of 15 March 1985, art. 13(5); Parastatal Service Regulations, 1984 (for Tanganyika), para. I.2 - Terms and conditions applicable to attendance at in-service courses or higher education in East Africa).

⁹ Cuba (Decree No. 91 dated 25 May 1981 to regulate facilities granted to workers studying in higher education, section 13; Constitution of 1976, sections 40 ff.; Labour Code, 1985, section 3(b) and (j)).

¹⁰ For example Germany, Berlin (Act dated 16 July 1970 for the promotion of participation in training programmes, section 1); Greece, in the case of leave to sit an examination (Act No. 1346 of 1983).

¹¹ For example Luxembourg (above-mentioned Act dated 4 October 1973); Venezuela (Decree No. 1563 dated 31 December 1973 to regulate the application of the Labour Act (LS 1973-Ven. 1), section 299).

¹² On the other hand, provisions in some countries establish a minimum age and even both a minimum and a maximum age. These provisions do not apply to the grant of leave but to eligibility for certain financial benefits. Their objective is to distinguish between study grants for adults and financial benefits which may be given to students who have not yet embarked on working life. In Finland, workers between the ages of 30 and 55 may thus benefit from a special grant. In Denmark, entitlement to financial assistance is limited to persons between the ages of 25 and 60 without vocational training or with insufficient training (Act dated 16 May 1989).

¹³ For example, in Germany (Hesse) the Act dated 24 June 1974 respecting the right to educational leave, which was granted only to workers under the age of 25, was replaced by a new Act dated 16

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406. Much more widespread are requirements as to the length of service of a worker in the enterprise or occupation. Such conditions suggest an analogy with annual paid leave, which results from a right accumulated over a certain period of work. They may also provide the employer with an important means of guaranteeing that the worker's recruitment will not result immediately in his leaving for a training course - especially since many training courses cannot be usefully followed without sufficient prior experience in the occupation.

407. These factors can be observed in different degrees in different countries. In Hungary, entitlement to educational leave does not depend on the length of the employment relationship; but a worker who has been employed for a period of less than one year cannot be granted leave which exceeds the number of days spent in the service of the enterprise.¹⁴ In Poland, the condition respecting length of service depends on the level of training intended: none is required when the purpose of the leave is to complete education at the compulsory primary-school level;¹⁵ one year's service is necessary for entitlement to leave to attend secondary school, and two years' if the worker wishes to begin higher education.¹⁶ According to the information received, the length of service required may vary between six months¹⁷ and five years¹⁸ according to the country. It is generally taken to mean a continuous employment relationship with the same employer. However, in Sweden, intermittent employment of a total duration of 12 months over the last two years with the same employer entitles a worker to educational leave as does continuous employment over the previous six months with the same employer.¹⁹ In France, a worker must be able to give proof of a cumulative total length of service of six months in the enterprise and 24 months, which may be consecutive or not, in the occupational branch.²⁰ In Finland, a worker must have had an employment relationship with the same employer for at least one year before entitlement is granted to leave,²¹ and must have worked full time in any occupation for at least five years to qualify for an adult study grant - although this condition may be waived for persons without any basic training.

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October 1984 which does not prescribe an age limit; in Luxembourg, the amendment made by the Act dated 1 June 1989 to the Act dated 4 October 1973 increased the age limit from 25 to 30 years, the age requirement not being applicable to persons enrolled in official study courses for adults for the purposes of vocational training.

¹⁴ Decree No. 23/1974 respecting the facilities granted to workers who continue their studies, section 16(6).

¹⁵ Decision No. 810/1965 dated 15 December 1965 of the Council of Ministers.

¹⁶ Decision No. 64/1973 dated 23 March 1973 of the Council of Ministers.

¹⁷ For example, Germany, Luxembourg.

¹⁸ For example, India (public service).

¹⁹ Above-mentioned Act dated 13 December 1974, section 3.

²⁰ Labour Code, section L.931-2.

²¹ Above-mentioned Act dated 9 March 1979, section 4.

408. An employer wishing to reserve the granting of paid educational leave to workers with some length of service in the enterprise may also endeavour to obtain guarantees that the employment relationship will continue beyond the period of paid educational leave. This is the case, in particular, when training is related to employment and financed by the employer, who then has a legitimate interest in seeing the worker return to the enterprise at the end of the training period. Thus the employer sometimes has the right to require the worker to remain in the service of the enterprise for a specified period after the end of the education or training for which leave is granted. In such cases the grant of paid educational leave is subject to the worker signing a commitment to return to work in the enterprise for a certain period. Although such commitment may extend over only a reasonable period if it is to remain compatible with the freedom of the worker and not excessively impair his occupational mobility, it should be noted that it is in the nature of paid educational leave, as well as of any leave for that matter, that the worker should afterwards return to the enterprise.

409. Such a service obligation is included in many provisions respecting the organisation of paid educational leave for officials or workers in the public sector. It generally covers a period proportional to the period of leave. In Canada, public sector employees may be required, before the beginning of the leave, to sign a commitment to return to the service of the employer for a period at least equal to that of the leave granted.²² In Bolivia, the commitment to remain in service must cover a period which is twice that of the training followed.²³ In the United States, federal government employees are required to sign a written agreement to the effect that they will remain in the service of the government agency which employs them after the end of the training period for a period which is at least three times that of the training.²⁴ In some countries, this obligation is laid down in the Labour Code and is applicable to all workers: in Guinea, employees undergoing training are required to remain in the service of their employers for a period which is at least equivalent to that of the training period.²⁵ In Mexico, the recipients of study grants must remain in the service of their employer for at least one year after completing their studies.²⁶

410. Failure to respect such commitment may be sanctioned by reimbursement of the employer's expenses on the training²⁷ or the allowance paid during the training period.²⁸ In a few cases, the

²² Master Agreement between the Canadian Treasury Board and the Public Service Alliance, art. M-23.04.

²³ Supreme Decree No. 21364 dated 13 August 1986, section 50.

²⁴ USC 5, para. 4108.

²⁵ Labour Code, section 48.

²⁶ Federal Labour Act, section 132(XIV).

²⁷ For example, Guinea, United States.

²⁸ For example, Canada.

employer may require additional guarantees in the form of the payment of a deposit by the worker²⁹ or the provision of a guarantor.³⁰

411. In cases where paid educational leave is an individual right of the worker, it is not, however, unlimited and in most cases an upper limit is placed on the leave, with reference to a given period. In this case the conditions for the grant of paid educational leave are not unlike those respecting annual paid leave: in both cases the leave results from rights accumulated during the period of service, which are exercised when leave is taken. As in the case of annual paid leave, it will be necessary to ascertain before granting the leave whether the worker has already exhausted his leave entitlement, and whether he has accumulated sufficient entitlement to allow him to take leave for the period intended.

412. The maximum leave allowed varies considerably from country to country, as do the methods of calculation. In Argentina, the right to leave to sit examinations is granted for a total of ten days per calendar year, which may be taken in periods of up to two consecutive days.³¹ In Belgium, the annual ceiling is fixed at 160 or 240 hours a year, according to the type of training.³² In Finland, workers are entitled to educational leave for a total of up to two years during any five.³³ In Luxembourg, the duration of total educational leave may not exceed 60 days and no one may be granted leave of more than 20 days in a period of two years.³⁴ In Germany, a distinction should be made between the statutory scheme, which limits paid educational leave to four or five days a year,³⁵ and the scheme established by collective agreements which may entitle workers to two or three weeks a year. In France, where leave is granted for the duration of the training,³⁶ the necessary limitation on the workers' right to paid educational leave is provided by the requirement of a fixed interval between two individual training leaves: such interval varies with the length of previous training leave between a minimum of six months and a maximum of eight years.³⁷

²⁹ Bahamas (Government General Orders No. 1600, para. 1603).

³⁰ Iraq, Decision No. 930 dated 11 June 1980 of the Revolutionary Command Council.

³¹ Above-mentioned consolidated text of the rules governing contracts of employment, section 158(e).

³² Above-mentioned Act dated 22 January 1985, section 111(1).

³³ Above-mentioned Act dated 9 March 1979, section 4 (as amended).

³⁴ Above-mentioned Act dated 4 October 1973, section 3.

³⁵ For example Lower Saxony: eight days in each two-year period (Act dated 7 January 1985, section 2(3)); Saarland: five days a year (Act dated 17 January 1990, section 23(1)).

³⁶ Without, however, exceeding one year in the case of a full-time continuous training course or 1,200 hours in the case of courses forming a teaching cycle comprising intermittent or part-time teaching segments. The Act does not preclude the conclusion of agreements which prescribe longer periods (Labour Code, section L.931-5).

³⁷ Labour Code, section R.931-7.

(b) Conditions applicable to the enterprise

413. Among the points to be taken into consideration in determining the conditions to be fulfilled by workers in order to benefit from paid educational leave, the Recommendation includes the needs of the enterprise. It is significant that the concept of the needs of the enterprise was preferred, during the preparatory work, to that of the requirements of employer establishments³⁸ or production requirements;³⁹ and it was specified that it should be interpreted as referring to the specific training needs felt by the workers regarding the tasks which they carry out in the undertaking.⁴⁰ Furthermore, the Recommendation points out in Paragraph 17(3) that the manner in which workers who satisfy the conditions of eligibility are granted paid educational leave should be agreed between undertakings or the employers' organisations concerned and the workers' organisations concerned so as to ensure the efficient continuing operation of the undertakings in question.

414. This concern to ensure the efficient continuing operation of the enterprise should not be seen as a response to the concerns of employers alone: it is just as much in the workers' interest that the grant of paid educational leave should not disrupt the work pace of the undertaking, imposing an extra work burden on other workers or requiring the recipients of leave to perform the same work in a shorter time. Workers and their representatives should therefore be associated in the procedure for the grant of paid educational leave as well as in the scheduling of such leave and the reorganisation of work which may be entailed.

415. According to the information available, the efficient continuing operation of the enterprise can be ensured both by a provision regulating the grant of leave by limiting the number of simultaneous absences due to workers going on educational leave and by giving the employer the right to refuse a worker permission to take educational leave which he considers to be contrary to the interests of the enterprise. Furthermore, provisions have been laid down in several countries which associate workers and their representatives in the procedure for granting such leave and which provide for appeals in the event of disputes.

416. In Belgium, employers may refuse to approve the simultaneous absence on educational leave of more than 10 per cent of the total number of workers if the enterprise has less than 20 workers, or more than 10 per cent of the workers performing the same functions if the enterprise has more than 20 workers. However, at least one worker or one worker in each function should be authorised to take paid

³⁸ Paid educational leave, ILC, 58th Session, 1973, Report VI(2), question 16.

³⁹ Paid educational leave, ILC, 59th Session, 1974, Report IV(1), paras. 71-72.

⁴⁰ Record of proceedings, ILC, 59th Session, 1974, No. 17, para. 96.

educational leave.⁴¹ In France, the employer may postpone the grant of a request for training leave if a certain percentage of workers are on training leave at the same time: 2 per cent of workers in an enterprise employing more than 200 workers, 2 per cent of the total hours of work in an enterprise employing more than 200 workers, or two absences on account of individual training leave for enterprises with fewer than ten employees.⁴² In Jamaica, the provisions respecting the study leave of teaching staff state that it cannot be granted when the number of persons simultaneously absent reaches 10 per cent of the academic staff - the number of staff in this case comprising both teachers on study leave and those on annual paid leave.⁴³

417. Provisions to protect the interests of the enterprise have also been established which give the employer a certain degree of leeway. In Germany, collective agreements generally include a clause whereby in the procedure for granting leave the interests of the enterprise must be respected, in particular as regards the choice of time at which the worker is permitted to exercise the right to paid educational leave. The legislation of the Länder provides that educational leave may be refused if it could jeopardise the essential interests of the enterprise.⁴⁴ In Belgium, in the event of unforeseeable or difficult circumstances, the plans established regarding the grant of paid educational leave may be amended at the request of the employer, who must provide reasons.⁴⁵ In Finland, if the grant of paid educational leave during the period indicated in the request made would involve manifest inconvenience for the activity of the employer, it may be postponed for up to a maximum of six months; use may not be made of this option more than twice consecutively.⁴⁶ In France, an employer who believes that the departure of a worker on educational leave could have consequences which are detrimental to production and the proper conduct of the undertaking may delay the commencement by up to nine months.⁴⁷

418. In some countries, an employer who intends to postpone approval of a request for educational leave is required to consult workers' representatives. In Sweden, the employer may postpone the grant of time off for training provided that reasons for the postponement are given and that the workers' organisation concerned is notified; approval by the workers' organisation is necessary when the postponement is for more than six months.⁴⁸ In France, an employer may postpone the grant of a request for training leave for service

⁴¹ Above-mentioned Act dated 22 January 1985, section 113(1); Programme Act dated 22 December 1989, section 147.

⁴² Labour Code, sections L.931-3 and L.931-4.

⁴³ Education Regulations, 1980, section 63(9).

⁴⁴ For example, Lower Saxony (Act dated 7 January 1985, section 3); Saarland (Act dated 19 January 1990, section 27).

⁴⁵ Above-mentioned Act dated 22 January 1985, section 113(2).

⁴⁶ Above-mentioned Act dated 9 March 1979, section 8.

⁴⁷ Labour Code, sections L.931-6 and R.931-3.

⁴⁸ Above-mentioned Act dated 13 December 1974, sections 4 and 5.

reasons only after consultation of the works committee or, if there is no such committee, the staff delegates.⁴⁹

419. A balance can be achieved between the interests of the enterprise and the workers' right to educational leave by the constant association of workers' representatives in the procedure for granting leave. In Germany, under their general powers respecting leave works councils may express their views on measures taken to implement the right to educational leave. In Belgium, paid educational leave must by law be planned by the works council or by agreement between the employer and the trade union delegation in the enterprise.⁵⁰

420. Appeals procedures are often available in the event of a dispute between the employer and workers concerning the granting of leave. In Germany, works councils may mediate disputes. In Belgium, any persistent disagreement must be submitted to the labour inspection authorities;⁵¹ whilst in France any of the parties in a dispute may place the case before the labour inspector for arbitration.⁵² In Sweden, refusal to grant leave may be appealed by the worker in the courts.⁵³

(c) Conditions applicable to training

421. Conditions of grant based on the nature of the intended education or training vary according as the legislation or collective agreement makes provision for the grant of paid educational leave solely for the purpose of training related to employment or includes more general purposes chosen by the worker. The conditions respecting the grant of paid educational leave for the purpose of trade union education are a different matter, as emphasised by the Recommendation, which deals with them separately.

422. In the many countries in which the grant of paid educational leave is provided for only for the purposes of vocational training, assessment of the extent to which the intended training meets the needs of the enterprise - that is to say the training needs felt by the workers in carrying out the tasks assigned to them in the enterprise - very often seems to be left to the discretion of the employer. Some reports provide information on the methods of evaluating the relevance of the training to the job in question within the context of the public service. In Guatemala, an Act makes provision for the right of public servants to paid leave for study purposes when such study relates to a specific programme of the service or, in the view of the appointing authorities, to the duties inherent in the post held by the person concerned, by their nature resulting in an improvement of the services provided.⁵⁴ In Canada, the Master Agreement for the public service stipulates that employees

⁴⁹ Labour Code, section L.931-6.

⁵⁰ Above-mentioned Act dated 22 January 1985, section 113(1).

⁵¹ *ibid.*, section 113(3).

⁵² Labour Code, section L.931-6.

⁵³ Above-mentioned Act dated 13 December 1974, section 6.

⁵⁴ Decree 1748 of the Congress of the Republic, Act respecting the civil service.

on study leave may receive an allowance in lieu of salary of up to 100 per cent of the rate of remuneration, depending on the degree to which, in the view of the employer, the study leave is related to the service needs:⁵⁵ in the Province of Alberta, the amount of this allowance is fixed by means of a scale which provides an exact assessment of the degree to which the training meets the needs of the department.

423. In countries which have established the grant of paid educational leave for educational purposes other than vocational training alone, the principal condition is that the education or training for which leave is requested should be of the kind provided for. In some cases, the worker has a right to educational leave as against the employer if the leave is required for training as provided by legislation or collective agreement: entitlement to leave will be subject only to the production of proof by the worker that he is in fact engaged in the studies concerned, for example a certificate of enrolment in an establishment or a notification to attend an examination. This is the case in Argentina, where any worker has the right to leave to sit an examination, provided that the examination pertains to an official teaching programme or one authorised by the competent authorities.⁵⁶ In the USSR (RSFSR), workers who undertake studies are granted paid leave and daily or weekly reductions in their working time: the form and extent of these facilities vary according as the studies carried out pertain to general, vocational and technical training or specialised, higher and secondary education.⁵⁷ In Poland, the level of education determines the duration of the leave granted, from 14 days a year to complete primary education to 70 days a year to follow studies at the postgraduate level: if studies are in the form of evening courses, leave may be combined with a weekly reduction in hours of work.⁵⁸

424. However, it is not always sufficient that the educational purpose of the leave falls within such a widely defined type of education or training: very often there is a condition that the specific programme which the worker intends to follow must be approved. Thus there may be a requirement that the programme be approved by the public authorities. In Germany, the leave provided for by law may be granted only for participation in educational training programmes recognised by the Government.⁵⁹ In Luxembourg, the programmes of study courses or sessions for which paid educational leave may be granted must be approved by the minister for youth.⁶⁰ The law may also, as in Belgium, create a special commission, in which

⁵⁵ Master Agreement between the Canadian Treasury Board and the Public Service Alliance, section M-23.02.

⁵⁶ Above-mentioned consolidated text of the rules governing contracts of employment, section 161.

⁵⁷ Above-mentioned Labour Code, sections 188-198.

⁵⁸ Above-mentioned Decisions Nos. 810/1965 and 64/1973.

⁵⁹ The recognised arrangements include political training courses provided by foundations attached to the "democratic" political parties.

⁶⁰ Above-mentioned Act dated 4 October 1973, section 1.

workers' and employers' organisations are represented, to approve training programmes.⁶¹

425. In other countries, a distinction is made between conditions concerning training which are applicable to the grant of the leave and those which are applicable to financial entitlements: the allocation of financial resources appears to be a powerful means for channelling paid educational leave to the objectives considered to be most useful. In Sweden, legislation in no way limits the choice of training for which time off may be granted; but the least educated workers are given preference by the adult education commissions in the granting of training allowances, thus encouraging general basic education. In France, the right to educational leave, irrespective of the training chosen, does not entail the right to remuneration: the leave is paid only if the worker chooses a training programme which has been approved for this purpose by the joint bodies responsible for administering individual training leave; these bodies, which are set up at the branch or inter-occupational regional level, are allowed to give priority to certain training objectives, usually concerning skill acquisition or retraining.⁶²

426. Account may also be taken of the intended training when, at the enterprise level, it is impossible to grant leave to all applicants simultaneously. In such cases, priority is given in Finland to workers who request vocational training or wish to complete their primary schooling,⁶³ whilst in Sweden priority is given to requests from workers who wish to undergo trade union education, followed by applications from workers who have not received education corresponding to the nine years of primary education.⁶⁴

427. Paragraph 17(2) of the Recommendation states that, as regards paid educational leave for trade union education, the workers' organisations concerned should have responsibility for selection of candidates. This specific provision respecting the conditions for the grant of leave should be read in conjunction with Paragraph 18 concerning the responsibility of trade union organisations in the planning, approval and implementation of trade union education programmes. Thus, in the Netherlands, some collective agreements thus state that the requests for educational leave for participation in a trade union education programme provided by a workers' organisation should be presented by the trade union rather than directly by the worker.

⁶¹ Above-mentioned Act dated 22 January 1985, section 110; Royal Enforcement Order dated 23 July 1985, section 9.

⁶² Labour Code, section R.931-20; Decree No. 84-613 dated 16 July 1984.

⁶³ Above-mentioned Act dated 9 March 1979, section 9.

⁶⁴ Above-mentioned Act dated 13 December 1974, section 7.

Section 2. Rights of workers on paid educational leave(a) Maintenance of the employment contract and its scope

428. The advantage of paid educational leave is that it enables the completion of training and education whilst in employment. Like other kinds of leave, paid educational leave does not end the employment relationship and the employment contract: at the end of the paid educational leave, the worker's job must be waiting for him as it is after sick leave or annual paid leave. However, unlike annual paid leave, which the worker uses as he sees fit, paid educational leave is intended for a specific purpose which the worker is required to respect. While the employer has no right to examine the way in which the worker makes use of his free time, he is entitled to verify that paid educational leave is properly spent by the worker on the training and educational activities for which such leave has been granted. The legal situation of workers on paid educational leave is thus characterised by the suspension of certain obligations resulting from the employment contract,⁶⁵ and their replacement by others: the worker is relieved of the work normally carried out under the employment contract and placed under the obligation to attend the education or training courses for which the leave is granted. In order to verify the worker's compliance with this obligation, the employer retains a certain disciplinary authority over him during the paid educational leave.

429. In most countries, provisions have been established to regulate the employer's control of the use made of paid educational leave. In Belgium, the relevant Act requires the heads of establishments and persons responsible for training to provide workers with certificates of attendance.⁶⁶ In the same way, in Finland, the authority responsible for organising study or training courses is required to provide a certificate confirming that the educational leave is used in the approved manner so that the worker may present this certificate at the employer's request.⁶⁷ In France, at the end of each month and on returning to work the recipient of educational leave must provide the enterprise with a certificate evidencing actual attendance at the training course: a worker who, without a valid reason, ceases to attend the training course for which the leave has been granted loses the leave entitlement.⁶⁸ In Trinidad and Tobago officials who abandon their studies or change courses without permission run the risk of having their study award cancelled and

⁶⁵ The Labour Code of Cameroon uses the concept of suspension of the employment contract to describe the legal situation of workers on workers' educational leave (Act No. 74-14 dated 27 November 1974, instituting the Labour Code (LS 1974-Cam. 1), section 46(f)).

⁶⁶ Above-mentioned Act dated 22 January 1985, section 130; Royal Decree of 23 July 1985, section 21(1).

⁶⁷ Above-mentioned Act dated 9 March 1979, section 12.

⁶⁸ Labour Code, section R.931-4.

being required to reimburse immediately allowances already received.⁶⁹

430. The disciplinary authority retained by the employer may be exercised over and above this formal and, as it were, outside control of the worker's mere attendance at courses. In particular, if the paid educational leave has been granted for the worker to undergo, at the employer's initiative, training which is indispensable to the work performed by the worker, the employer may also monitor the acquisition of knowledge and skills. The worker may then be required not only to provide a certificate of actual attendance but also proof of some degree of success. A good example of this is the regulation applicable to state employees in the United States (Tennessee), which contains a regulation stipulating that the training assignment comprises the same obligations in terms of attendance and results as any other work assignment.⁷⁰ The Committee believes, however, that, in so far as error appears to be an inherent component of any learning process, workers should be granted a wider margin of error within the context of training than in the performance of their work.

431. In several countries workers on paid educational leave are legally protected against dismissal. Such provisions do not absolutely prohibit the dismissal of workers on paid educational leave but are intended to make unlawful any dismissal on the ground of the worker's taking paid educational leave. Thus, in Belgium, an employer cannot dismiss a worker at any time from when he requests paid educational leave until the end of the training, except for reasons unrelated to the request.⁷¹ In Finland, no employment contract may be terminated, with or without notice, on the ground that the worker has requested or taken educational leave.⁷² In Sweden, when a worker receives notice of dismissal or is dismissed simply because he wishes to use the right to time off for training, the dismissal will be cancelled at the worker's request.⁷³

432. Although the worker knows that his job will be waiting for him at the end of his educational leave, there is no guarantee that his new skills will be taken into consideration, because such an obligation is rarely placed on the employer. However, in Bulgaria, the Labour Code places enterprises under an obligation to provide workers who have successfully completed a further training course with conditions enabling them to apply the knowledge and skills acquired and, in the case of advanced further training, to provide a new job if a vacancy occurs; the code further entitles workers, in the event of failure by an enterprise to discharge this obligation, to apply to the committee on labour disputes for transfer to a job suited to their new

⁶⁹ Handbook of rules for training awards, para. 8.

⁷⁰ Rules of Tennessee Department of Personnel, Rule 1120-8-03-(4)-(a).

⁷¹ Above-mentioned Act dated 22 January 1985, section 118(1).

⁷² Above-mentioned Act dated 9 March 1979, section 11.

⁷³ Above-mentioned Act dated 13 December 1974, section 8.

skills when a vacancy arises.⁷⁴ It would be unrealistic to envisage the immediate and automatic promotion of workers who have followed educational or training courses; but account should be taken of the acquisition of new skills at the time of promotion.

(b) The right to adequate financial entitlements

433. For a worker on paid educational leave, the maintenance of a certain level of earnings is the most important immediate indication of the continuity of employment. The adequate financial entitlements which, under the provisions of the Convention, must be paid to workers during the paid educational leave are the subject of more detailed provisions in Paragraph 20 of the Recommendation, both as regards their objective, which should be to maintain the level of earnings with account being taken of any major additional cost resulting from the educational training, and their form, which may be that of continued payment of wages and other benefits or provision of adequate compensation.

434. When an employer decides to send a worker on a training programme, the full maintenance of remuneration would seem to be natural. Thus, in Guinea, a worker selected by the management of an enterprise to follow a training or further training course continues throughout the period of training to receive the wage which he would have normally received if he had worked.⁷⁵ Such rules respecting the full maintenance of remuneration may, however, be accompanied by restrictions which exclude payment of certain supplementary or accessory financial benefits during the training period. In Tunisia, public officials on training leave receive remuneration corresponding to their respective grade, family benefits and productivity bonuses; all other allowances are excluded.⁷⁶ In Côte d'Ivoire, workers receive their full salary and related allowances except those pertaining specifically to the work performance.⁷⁷ The maintenance of remuneration may also be limited to normal hours of work. Thus, in Chile, workers who benefit from vocational training measures retain their full wage for the normal hours of work irrespective of any changes in daily hours of work: extra hours required for training does not entitle the worker to remuneration.⁷⁸ In the United States, federal government employees are entitled to the payment of all or part of their wage, with the exception of overtime and bonuses for night work.⁷⁹ In the case of a long period of educational leave, the payment of the full wage may be guaranteed only during part

⁷⁴ Labour Code (1986), section 233. It seems possible to give effect to this provision only in the special context of a centrally planned economy.

⁷⁵ Labour Code, section 48.

⁷⁶ Above-mentioned Decree No. 85-264 dated 15 February 1985, section 3.

⁷⁷ Above-mentioned Inter-occupational collective agreement dated 20 July 1977, section 43(7).

⁷⁸ Labour Code (1987), section 168.

⁷⁹ 5 USC, para. 4109(a)(1).

of the leave: in Lesotho, officials are entitled to their full wage during the first six months and only half the wage after that.⁸⁰

435. If paid educational leave is taken at the worker's initiative, it is generally accepted that the employer no longer has the same obligation to maintain payment of the full wage during the period of leave. The maintenance of the previous remuneration may be guaranteed only up to a certain ceiling to workers with the lowest income. In Belgium, a worker on paid educational leave is entitled to the maintenance of normal remuneration paid at the usual time for a number of hours corresponding to the hours of the courses followed;⁸¹ this remuneration is calculated in accordance with the legislation respecting paid public holidays, although an order places an upper limit on it.⁸² In Poland, all workers granted educational leave receive their normal wage provided that the income per family member is below a certain ceiling.⁸³ In France a worker on individual training leave receives the full amount of his previous wage only if the wage is less than twice the statutory minimum wage or if the leave has been granted to follow training which is considered of a priority nature by the body administering leave; in other cases, the remuneration may be maintained only up to 80 per cent of the wage. In the United States, some states limit the financial benefits which their employees on paid educational leave may receive to a maximum of 75 per cent of the respective wage.⁸⁴ In the USSR (RSFSR), the guaranteed wage is 50 per cent of the average but cannot fall below the minimum wage.⁸⁵

436. In several countries financial benefits are paid during the educational leave in the form of compensation fixed by reference to the compensation paid for other forms of leave or an average wage. In Yugoslavia, compensation for individual income is by law payable to workers in respect of vocational training and further training leave; this compensation is on the same level as that paid for public holidays not worked, annual leave or sick leave.⁸⁶ In Luxembourg, the recipients of educational leave receive, for each day of leave, compensation equal to the average daily wage as defined by the legislation in force governing annual paid leave of workers employed in the private sector.⁸⁷ In Czechoslovakia, during educational leave, the employer provides workers with an allowance in lieu of remuneration up to the amount of the average earnings.⁸⁸

⁸⁰ Ministry of Public Service, Circular No. 19/1988 of 21 April 1988.

⁸¹ Above-mentioned Act dated 22 January 1985, section 111(1).

⁸² *ibid.*, section 114; Royal Order dated 23 July 1985, section 12.

⁸³ Above-mentioned Decision No. 64/1973, section 1.

⁸⁴ Administrative Rules of South Dakota, 55:01:22:12; Rules of Tennessee Department of Personnel, Rule 1120-8-03-(6)-(d)-(1).

⁸⁵ Above-mentioned Labour Code, sections 190-91, 194, 197.

⁸⁶ Associate Work Act dated 25 November 1976, section 129.

⁸⁷ Above-mentioned Act dated 4 October 1973, section 6.

⁸⁸ Above-mentioned notification No. 140/1968, section 11.

437. In Sweden, compensation takes the form of the payment of a study award. In Finland, the study award is equal to 25 per cent of the previous income, but cannot fall below a certain amount or exceed a certain ceiling.

438. In some countries, workers have only unpaid educational leave and financial benefits take the form of a loan. In the view of the Committee, the payment of financial benefits only in the form of loans is not compatible with the notion of paid leave, and it would be illogical to seek to achieve the objective of maintaining workers' income during educational leave by measures which merely lead them into debt. This said, it would seem from the information received that the loan formula is generally used only to provide a guarantee to the employer that the leave will be used in the approved manner and that the worker will fulfil his obligations in this respect. Non-reimbursement is thus the general rule and reimbursement the exception - a penalty applied if the worker fails to comply with his obligations. Thus the loan contract attached by the Government of Jamaica to its report makes provision for reimbursement only in the event that the borrower fails to attend the training course regularly or to discharge his obligation to remain in the education service or the civil service for the period established by the law. In Trinidad and Tobago, regulations provide that, although all payments take the form of loans, the obligation to reimburse such payments is lifted once the worker has resumed his employment in the government service for the stipulated period.⁸⁹ In Cuba, reimbursement is required in the event of failure in examinations, and this is a major financial risk for the worker: workers studying in higher education are entitled to a fixed number of days' leave and to the amount of wages corresponding to these days in the form of a loan; they are required to reimburse half of the amount of the loan if they pass the examinations and the full amount if they fail.⁹⁰

439. In addition to the objective of maintaining the level of income, the financial benefits paid to workers during paid educational leave should, in accordance with the provisions of the Recommendation, take account of any major additional costs of education or training. In the case of training related to employment, training costs seem generally to be borne by the employer. In the United States, federal government employees are entitled to the payment or reimbursement of all or part of the training expenses: travel, daily allowance, tuition fees, purchase of books.⁹¹ Where the education or training can be provided only outside the country, the expenses to be covered may be quite considerable. In the United Republic of Tanzania (Tanganyika), the payment of the expenses of workers in the private and semi-public sectors include in particular the cost of travel and transportation of baggage of the recipient and family, tuition fees

⁸⁹ Handbook of rules for training awards, para. 1.

⁹⁰ Above-mentioned Decree No. 91 dated 25 May 1981, section 7.

⁹¹ 5 USC, para. 4109(a)(2).

and various allowances.⁹² Provision may also be made for compensation in specific circumstances.⁹³

440. In the case of training undertaken at the worker's initiative, the payment of training expenses is less widespread. Often, the additional costs resulting from participation in general education courses which are provided free of charge, or whose tuition fees to be paid by the worker are very low, are not high enough to justify the payment of specific financial compensation. However, in Hungary, workers are entitled to reimbursement of travel expenses and may be paid a study allowance by the enterprise in addition to the payment of the average wage.⁹⁴ In France, it is the bodies responsible for administering individual training leave which decide the extent to which training-related costs are to be reimbursed.

(c) The right to social benefits and other rights

441. Paid educational leave must not simply provide entitlement to financial benefits. It must also, in accordance with Article 11 of the Convention, be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation. This requirement means that during leave the worker must be provided with social protection as if he had actually been working; and the determination of rights in proportion to length of service should take account of the period of leave.

442. The assimilation to a period of effective service for the purpose of establishing claims to social benefits is fairly general, irrespective of the financial benefits otherwise guaranteed to workers on educational leave. In Belgium, a very wide provision ensures that the hours during which a worker is absent under the provisions respecting the grant of paid educational leave are assimilated to hours of actual work for the purpose of applying social legislation.⁹⁵ In France, a worker remains affiliated to the insurance scheme to which he belongs at the time of commencement of training leave. In Guinea, workers continue to receive social benefits during the training period, which is assimilated to a period of work and taken into account in the calculation of length of service and the right to paid leave.⁹⁶ In Yugoslavia, the Act respecting fundamental rights in pension and invalidity insurance stipulates that any period which an insured person has spent in a further training or

⁹² Parastatal Service Regulations (1984); Staff Circular No. 2 of 1985.

⁹³ For example, in Trinidad and Tobago, an allowance for warm clothing is payable if the training period falls between 1 October and 30 April in the Northern Hemisphere (Handbook of rules for training awards, para. 36).

⁹⁴ Above-mentioned Decree No. 23/1974, sections 13, 14 and 20.

⁹⁵ Above-mentioned Act dated 22 January 1985, section 115.

⁹⁶ Labour Code, sections 48-49.

specialisation course during the employment relation must be taken into account as a period of insurance.⁹⁷

443. The right to annual paid leave during the paid educational leave period is treated differently from country to country. In the United States, educational leave does not generally entitle workers to annual paid leave,⁹⁸ but workers may be granted vacations scheduled by the training establishments which they are attending.⁹⁹ Similarly, in Tunisia, during their training period officials are entitled to the school holidays established by the internal regulations of the training establishment concerned but may not at the same time be granted annual paid leave. In France, workers on training leave are entitled to the leave and absences as established by the education or training body and the law guarantees that the training period must be assimilated to a period of work for purposes of the determination of rights to annual paid leave and as regards rights resulting from seniority in the undertaking.¹⁰⁰

Section 3. Financing of paid educational leave

444. In order for paid educational leave to gain currency as an appropriate means for providing continuous education and training to workers, stable and permanent mechanisms must be established which guarantee both the payment of financial and social benefits to workers on educational leave and the financing of the education and training provided during such leave. Article 7 of the Convention lays down the essential principle that the financing of arrangements for paid educational leave must be on a regular and adequate basis and in accordance with national practice. However, the Convention merely states the principle: it does not include any provisions specifying how the expenses relating to paid educational leave are to be shared among the parties involved in its implementation. Throughout the preparatory work, the general recognition of the need for regular and adequate financing was in fact accompanied by a special insistence on the wide diversity of national conditions and practice which could be taken into account only by leaving it up to the States to choose the most appropriate methods to ensure such financing and the distribution of the costs among the parties concerned.¹⁰¹

445. Paragraph 12 of the Recommendation adds that it should be recognised that employers, collectively or individually, public authorities and educational or training institutions or bodies, and employers' and workers' organisations, may be expected to contribute

⁹⁷ Act dated 22 April 1982 on pension and disability insurance (LS 1982-Yug. 1), section 66.

⁹⁸ For example, South Dakota (Administrative Rules of South Dakota, para. 55:01:22:13).

⁹⁹ Rules of Tennessee Department of Personnel, Rule 1120-8-03-(7)-(a).

¹⁰⁰ Labour Code, section L.931-7.

¹⁰¹ Paid educational leave, ILC, 59th Session, 1974, Report IV(2), pp. 23, 38.

to the financing of arrangements for paid educational leave according to their responsibilities. It is important to emphasise that it did not appear appropriate to the Conference to distinguish between the cost of financing the maintenance of remuneration and the costs of training, or to assign in any rigid manner to each of the parties a specific responsibility for financing according to the kind of education or training provided. The individual worker is not included among the persons or bodies which may be responsible for financing arrangements for paid educational leave: a contribution from the worker to the financing of such leave would in fact be contrary to the object of paid educational leave, which is to ensure that the efforts made by the worker to acquire continuous education and training are not hampered by his having to make a financial sacrifice.

(a) Cost-sharing

446. To meet the requirements of regular and adequate financing, each country has to fix the respective obligations of employers, the public authorities and employers' and workers' organisations. The information received shows the extent to which this cost-sharing can vary according to national practice. In many countries the employer's contribution takes the form of the continued payment of a wage and social benefits to workers on educational leave, although reimbursement of remuneration and social contributions paid by employers from public funds or funds set up for this purpose by groups of employers is spreading. The public authorities may also replace the employer by paying compensation directly to the worker. The costs of education or training followed by the worker are covered by the employers or the public authorities, depending on the responsibility assigned to them by national practice with regard to the different types of education and training.

447. It is not unusual for the employer, directly and on an individual basis, to finance all the costs resulting from the maintenance of remuneration and the training expenses, particularly when the training is employment-related. This seems to be the general rule when the government grants paid educational leave to public employees.

448. In several countries, the development of national vocational training systems, usually financed by a levy on enterprises which is related to the wage bill, provides a collective financing of training, with only the payment of the wage of the worker on leave remaining the responsibility of each employer. In Nicaragua, the National Vocational Training System (SINAFORP), which is financed by an obligatory contribution by employers, provides training courses free of charge to workers on educational leave. In Guinea, any employer employing more than 25 workers must contribute to the development of continuous vocational training by participating each year in the financing of training and further training courses by means of a contribution equal to 0.5 per cent of the wage bill, which is paid to the National Vocational Training and Further Training Office

(ONFPP).¹⁰² In Venezuela, the training courses provided by the National Institute of Educational Co-operation (INCE) are financed by an employer's contribution equal to 1 per cent of the wage bill, a 0.5 per cent deduction from wages and a supplementary contribution by the State of 20 per cent.¹⁰³

449. The State may also cover the cost of training while employers cover the cost of wages. This is the case, in particular, in countries which make provision for the grant of leave to workers attending courses in public establishments;¹⁰⁴ but also in Germany, where the employer's contribution takes the form of the maintenance of the worker's wage, whereas training is financed by the Government, directly or through subsidies granted to training or educational establishments.

450. In other countries, provisions have been established to reduce or eliminate the burden placed on the employer by providing for the partial or total reimbursement by the State of financial and social benefits which are granted to workers on educational leave. In Luxembourg, the allowance paid by the employer is reimbursed by the State, as well as the employer's contributions to social security.¹⁰⁵ In Belgium, cost-sharing varies according to the type of training: employers may obtain from the Ministry of Employment and Labour the reimbursement of half the amount of wages and social contributions relating to paid educational leave, in the case of vocational training and the full amount of wages and social contributions, in the case of general training.¹⁰⁶ Thus, it is considered that part of the costs of vocational and further vocational training may be borne by the employer, although the State remains the sole body responsible for the financing of general education.

451. Compensation paid directly to the worker may replace the payment of the wage and relieve the employer of any payment. In Sweden, benefits paid by the State to adult students are financed by a special contribution from employers while training for employment and related awards are financed by a combination of contributions from employers and from taxation. In Finland, a distinction is made between study awards for adults granted by the Government to workers studying full time in secondary, occupational and university education establishments on the one hand, and vocational training grants financed by a body set up by employers and paid to workers undergoing vocational training whose wage is not maintained by the employer, on the other.¹⁰⁷

452. In Kenya, a training fund financed by a levy paid by employers is used to reimburse wages paid to workers on educational

¹⁰² Labour Code (1988), sections 45 and 46.

¹⁰³ Above-mentioned Act dated 22 August 1959 (LS 1959-Ven. 1), section 10.

¹⁰⁴ Czechoslovakia, Hungary, Poland, USSR.

¹⁰⁵ Above-mentioned Act dated 4 October 1973, section 6.

¹⁰⁶ Above-mentioned Act dated 22 January 1985, sections 120 and 121.

¹⁰⁷ This fund was to be established on an experimental basis as from 1 January 1991.

leave. In France, employers must contribute a minimum of 1.2 per cent of the amount of wages paid during the current year to the financing of training measures and, as part of this obligation, make a payment equal to at least 0.15 per cent of wages of the reference year to a joint body approved by the State for individual training leave;¹⁰⁸ the management of the funds by joint bodies is based on the principle of mutual benefit, which ensures equal rights of workers to benefit from the financing of their training leave, irrespective of the contributory capacity of the enterprise in which they are employed.

(b) Special financing

453. In order to guarantee effective equality of workers in access to paid educational leave, Article 9 of the Convention provides that, as necessary, special provisions concerning paid educational leave should be established where particular categories of workers find it difficult to fit into general arrangements or where particular categories of undertakings find it difficult to do so.¹⁰⁹ Although few countries, according to the information available, make use of such schemes, some governments have referred to special provisions concerning the financing of paid educational leave of certain categories of workers.

454. In France, there are special provisions for financing training leave of workers employed in small enterprises. Although employers with fewer than ten workers are not required to contribute to the financing of continuous training, the law enables their workers to enjoy equal access to training leave by providing that they can apply for financing to joint bodies administering training.¹¹⁰ The State encourages these bodies to treat such applications favourably by relating financial assistance to the resources they allocate to such requests.¹¹¹

455. In Luxembourg, special arrangements have been established to enable the self-employed to benefit from educational leave facilities

¹⁰⁸ Labour Code, section L.950-2 as amended by Act No. 90-579 dated 4 July 1990.

¹⁰⁹ The Convention gives examples of particular categories of workers (workers in small undertakings, rural or other workers residing in isolated areas, shiftworkers or workers with family responsibilities) and particular categories of undertakings (small or seasonal undertakings). In comments attached to the report of the Government of Malaysia, the Malaysian Trade Union Congress (MTUC) emphasises the need for such provisions for these categories of workers so that they too may benefit from such facilities. In comments attached to the report of the Government of Portugal, the Confederation of Portuguese Industry considers that it is not possible to envisage the grant of paid educational leave given the small size of most enterprises: this objection throws into relief the importance of the provisions of the instruments concerning the special provisions which should be made where necessary in this respect.

¹¹⁰ Labour Code, section L.931-9.

¹¹¹ *ibid.*, section L.931-11.

which are comparable to those granted to employees. During their educational leave they are entitled to receive from the Government a lump-sum payment, known as a cultural grant, the amount of which is fixed by reference to the compensation paid to beneficiaries in the private sector.¹¹²

456. In France, the social partners and Parliament have taken care not to exclude workers who hold precarious contracts of employment from entitlement to training leave. A specific scheme for the grant of training leave to workers who have held fixed-term contracts has been established by legislation and is financed by requiring the enterprise to pay to the joint body administering training a sum equal to 1 per cent of the wages paid to workers under fixed-term contracts for the duration of their contracts.¹¹³

(c) Financing of trade union educational leave

457. The most important feature of the financing of trade union educational leave is that workers' organisations in many cases contribute to funding the institutions responsible, and in some countries even pay compensation for the remuneration of workers on educational leave. Trade union organisations may attempt to provide training for their members and representatives directly by setting up their own training centres, while employers and public authorities may contribute to the financing of such arrangements.

458. In Turkey, trade unions are required by legislation to allocate 5 per cent of their resources to the training of their members.¹¹⁴ In Mexico, the Confederation of Workers of Mexico runs its own training centre, the Workers' Education Institute, whose workers may follow courses and at the same time be paid by the trade union or the enterprise. In Czechoslovakia, workers who follow courses provided by a social body receive an allowance from the said body; however, such body may conclude an agreement with the enterprise under which the latter agrees to pay workers at an agreed rate, which is subsequently reimbursed by the body concerned.¹¹⁵

459. The employer's contribution to the financing of trade union educational leave takes the form of the maintenance of the wage in all cases in which provisions require the grant of educational leave to workers' representatives in the enterprise: in such cases it is accepted that such expenditure is part of what is necessary for the proper running of the enterprise. The participation of some employers in the financing of trade union educational programmes may raise the question of the autonomy of workers' organisations and their control over the content of training and educational programmes. The report of the United States refers to an agreement between a trade union and a company to set up a training programme designed to use paid

¹¹² Above-mentioned Act dated 4 October 1973, section 6.

¹¹³ Above-mentioned Act No. 90-613 dated 12 July 1990.

¹¹⁴ Act No. 2821 dated 5 May 1983 respecting trade unions.

¹¹⁵ Labour Code (LS 1975-Cze. 2), section 126.

educational leave to provide training to trade union officials both on trade unionism and on sectoral economic problems.¹¹⁶

460. The participation of the public authorities in the financing of trade union educational leave in most cases takes the form of subsidies granted to the training measures provided by the workers' organisations. In the United Kingdom, the Government subsidises the expenses incurred by trade unions in providing the trade union representatives in the undertaking with training on occupational safety and health and industrial relations within the framework of legal obligations. In Canada, the Ministry of Labour of the federal Government has introduced a programme of financial assistance to trade union education comprising financial support for the preparation of programmes concerning the trade union movement, industrial relations and conditions of work and the provision of grants enabling trade union members to follow courses, to carry out research projects or prepare teaching materials on subjects of interest to the trade union movement; the Government states that this financial effort is consonant with its desire to ensure an equitable distribution of training funds: educational establishments train students in management and administration and offer few courses in trade union education and it is this imbalance which the financial aid programme seeks to correct, at least in part.

¹¹⁶ United Auto Workers/General Motors Corporation Agreement (1984).

CONCLUSIONS

461. Giving a general picture of the situation as regards the matters dealt with by the instruments under consideration is not the only purpose of the general survey carried out every year by the Committee: it is also intended to draw attention to difficulties in the application of the instruments concerned and, where the instrument is a Convention, to identify obstacles to its ratification as perceived by member States. To this end the Committee has at its disposal the reports supplied by the Members which, under article 19, paragraph 5(e), of the Constitution must state "the difficulties which prevent or delay the ratification of such Convention". This examination of the difficulties in application of the instruments and ratification prospects of each of the Conventions will be followed by a few final remarks.

Difficulties in application and ratification prospects

Human resources development

462. Many reports from developing countries point to unfavourable economic and financial conditions as the main obstacle to the full application of the standards concerning human resources development.¹ Constraints in terms of manpower, financial and technological resources are said to make it difficult to envisage ratification of this Convention.² In particular, there are fears that, owing to lack of sufficient investment, people will only be trained for unemployment.³

463. While referring to these problems, which are often linked to the level of development, most countries express an interest in the standards in question, and several governments state that they use these instruments as a reference point in drafting their legislation and organising their structures responsible for human resources development. In one country,⁴ where financial and structural difficulties are delaying ratification, and the Act on vocational training is still at the preparatory stage, these instruments are seen as an excellent source of inspiration for policies and programmes in

¹ According to the Government, the present situation in Cameroon rules out the application of the provisions of Convention No. 142.

² Trinidad and Tobago.

³ Chad.

⁴ Rwanda.

this field. Although inadequate resources and the fact that the competent bodies have been set up only recently prevent the objectives laid down by the standards being implemented in practice, the Government of another country⁵ is endeavouring to bring national legislation and practice into closer conformity with the provisions of the instruments. One Government⁶ also reports that relevant legislation is virtually non-existent but recognises that the provisions of the Convention and Recommendation are useful guidelines for the reorganisation of its competent bodies. Another Government states that there appears to be no difficulty in principle in the application of the instruments, but that efficient co-ordination has yet to be achieved between the various structures responsible for human resources development, and that these instruments will provide inspiration in drafting legislation on this subject.⁷ A Government⁸ which has recently embarked on a vast project to provide appropriate vocational training to its labour force considers that their provisions are sound in principle but can be fully complemented only gradually.

464. In several countries, bringing national law and practice into conformity with the Convention is considered a prerequisite to ratification. One Government⁹ expresses its intention to adopt the necessary measures to apply the provisions of the ILO Conventions before ratifying them. Another¹⁰ emphasises the promotional nature of Convention No. 142 and states that its ratification can only be envisaged once all provisions are fully covered by national legislation and practice and reflected in measures adopted in the context of vocational training reform. In another country, certain provisions of the Convention which are not covered by legislation prevent its ratification but will be examined when the question of amending the Labour Code comes up.¹¹ Reporting on discrepancies between its legislation and the instruments under consideration, another member State¹² expresses its intention to ratify only Conventions which it can actually observe, ensuring a high degree of compliance with the standards laid down.

465. Several governments take a favourable view of the prospects for ratification of Convention No. 142. According to one, there appears to be no difficulty preventing adherence to the Convention in question.¹³ The Government of one State recalls that at several ILO seminars held there¹⁴ Convention No. 142 was constantly mentioned as

⁵ Equatorial Guinea. Similarly, in Bolivia, the Government indicates that it is striving to attain the objectives of Convention No. 142 despite economic difficulties.

⁶ Suriname.

⁷ Benin.

⁸ Mauritius.

⁹ Dominican Republic.

¹⁰ Morocco.

¹¹ Saudi Arabia.

¹² Botswana.

¹³ Gabon.

¹⁴ Philippines.

having good prospects for ratification, as the national human resources development programme was patterned on the standards laid down in the Convention. Another Government¹⁵ which considers that its national legislation is in full conformity with the provisions of the Convention states it has already submitted a bill to Parliament for ratification.

466. The Committee notes with interest that the relevance of the standards on human resources development is very widely recognised, both by the States envisaging ratification of the Convention and by those which intend first to develop their policies and programmes in this field in conformity with the Recommendation. The terminology used by the various countries may differ from the wording of the instruments adopted some 15 years ago, but all the reports received bear witness to the continuing relevance¹⁶ of the substantive requirements identified at the time by the Conference, in particular as regards the openness, flexibility and complementarity of education, guidance and training systems, the need for lifelong training and the importance of close involvement of the social partners.¹⁷

467. Several reports, however, point out problems specifically relating to vocational guidance, including continuing employment information. Certain governments state that they encounter difficulties in fully applying the relevant provisions of the Convention; others consider that the standards on vocational guidance constitute an obstacle to its ratification. For example, the report of a State which has ratified the Convention¹⁸ states that the main constraints in this respect are financial; while another State¹⁹ considers that shortcomings in its vocational guidance system prevent it from envisaging ratification of the Convention at this stage.

468. The Committee hopes that it has helped to provide a fair account of the requirements of the Convention: compliance with the provisions on vocational guidance implies that information and assistance in this field are offered to each person, at every stage in his or her life and according to his or her particular needs. Substantial resources are channelled towards this objective in some countries sometimes using expensive technology. This does not mean, however, that the application of these provisions is out of reach for those countries which are unable to allocate such manpower and financial resources to vocational guidance: what the Convention requires is the gradual extension of systems by methods that are appropriate to national conditions.

¹⁵ Turkey.

¹⁶ Thus, the Lanka Jathika Estate Workers' Union of Sri Lanka states that it has never before been so appropriate for its country's Government to take into account and implement the provisions of the instruments and to ratify the Convention.

¹⁷ The report of Canada, however, expresses a reservation on a specific point: the concept of planning referred to in Paragraph 21 of the Recommendation appears to suggest a government role which may exceed that expected in a free market economy, according to the Government of New Brunswick.

¹⁸ United Republic of Tanzania, referring to Zanzibar.

¹⁹ China.

Paid educational leave

469. Economic or financial difficulties are specially important in the application of the Paid Educational Leave Convention, as it contains substantive provisions concerning the financing of this arrangement for the continuing training of workers. According to one Government,²⁰ the intent of the provisions of the Convention is commendable, but their full implementation would involve considerable expense, which the country is unable to meet at its present stage of development and in view of the financial constraints it must bear. In one country,²¹ the downturn of the economy is such that the Government and private employers are finding it increasingly difficult to grant paid educational leave to employees. Unfavourable circumstances are also mentioned by a Government²² which intends none the less to ratify the Convention in due time in order to extend and provide a legal framework for the private initiative which already exists.

470. One report²³ refers to the impossibility of imposing on employers the expenses involved in financing paid educational leave. In one developing country,²⁴ the weakness of the industrial base makes it impossible to require employers to grant such leave. In one industrialised country,²⁵ although a working group set up in 1980 by the Ministry for Labour recommended that Convention No. 140 be ratified, the Government considers that it cannot envisage imposing extra costs on employers at a time of high unemployment and pronounced international competition.

471. Some countries in difficult economic situations intend none the less to develop a practice in conformity with the instruments. One of them²⁶ will take the necessary steps to adapt its legislation and practice as soon as conditions and its level of development permit. One report,²⁷ however, points out that the grant of paid educational leave involves the creation of a vast infrastructure to provide continuing education to a rapidly growing workforce: the Government therefore considers the grant of paid educational leave as an objective to be achieved by phased implementation in certain selected areas of employment.²⁸

472. Several governments feel that their national situation is already in conformity with the standards. Thus, one Government²⁹

²⁰ Zambia. Similar constraints are referred to by the Government of Trinidad and Tobago.

²¹ Nigeria.

²² Chad: the report refers to the aftermath of the war.

²³ Mauritius.

²⁴ Bangladesh.

²⁵ Ireland.

²⁶ Cameroon.

²⁷ From the Government of India.

²⁸ According to the workers' organisation Bharatiya Mazdoor Sangh, the Government does not appear, however, to have clearly formulated a policy in this respect, except for its own employees.

²⁹ Belgium.

considers that its legislation largely reflects the provisions of the Convention and Recommendation; another³⁰ is of the view that its national legislation and practice are in conformity with the instruments. One report³¹ maintains that the legislation in force in the public service is in keeping with the spirit of the provisions. Another³² describes measures which, according to the Government, amount to a practical application of the principles laid down in the standards on paid educational leave.

473. Efforts are being made in other countries to reduce the discrepancy between the national situation and the international standards. Noting that a gap remains between the provisions of the Convention and those of the country's legislation, one Government³³ infers that policies to strengthen continuing training will invariably be adopted.

474. Some reports conclude that there is no obstacle to ratification of Convention No. 140.³⁴ One Government³⁵ considers that there are no difficulties likely to prevent or delay ratification. According to another Government,³⁶ there are no practical obstacles. In another country,³⁷ in the view of the employers' and workers' organisations consulted by the Government, recent measures have removed all obstacles to ratification.³⁸

475. Some governments, on the contrary, have set priorities in their employment policies which they feel to be incompatible with a policy to promote paid educational leave. Thus, priority may be given to the reduction of hours of work for all workers rather than the promotion of paid educational leave.³⁹ In a country⁴⁰ where measures to assist unemployed workers have until now been given priority over those to encourage employed workers to acquire skills, the subject of paid educational leave will none the less be addressed in the context of the revision of the Act on the vocational training and qualification of the workforce.

476. For some countries, it is the provision on the grant of leave for general, social or civic education which gives rise to

³⁰ Uruguay.

³¹ From the Government of Greece.

³² From the Government of Qatar.

³³ Philippines.

³⁴ Including that of the Government of Gabon.

³⁵ Sudan.

³⁶ United Arab Emirates.

³⁷ Finland.

³⁸ The Central Organisation of Finnish Trade Unions (SAK) therefore considers that the Convention should be ratified.

³⁹ Austria.

⁴⁰ Canada, referring to Quebec.

difficulties in application.⁴¹ According to one Government,⁴² it is still fairly difficult to formulate a policy of paid leave for purposes of general education, although the principle of lifelong education is accepted. The report from another country⁴³ points out that there are no legislative provisions entitling workers to paid leave for education of their choice which may not correspond to the needs of the enterprise.

477. One Government⁴⁴ considers that national legislation is not in line with the objectives laid down by Convention No. 140 for, although it does provide for the grant of financial assistance to members of certain disadvantaged groups undergoing continuing training, it does not lay down the right of all workers to be absent from work for educational purposes. One report⁴⁵ likewise states that the impediment to ratification of the Convention relates to the absence of the right to educational leave for all workers in this country: according to the Government, the introduction of such a general right to educational leave is an essential precondition for adherence to the Convention. The Committee hopes that it has shown in this survey that the Convention does not impose on States bound such an obligation to introduce the right to paid educational leave immediately and for all workers. It also believes it has dealt with certain points raised by one Government⁴⁶ as to the meaning and scope of certain provisions.

478. Generally speaking, the examination of different national practices in this survey should provide member States with useful indications as to the possible forms of a policy designed to promote, as required by the Convention, the granting of paid educational leave for the purposes indicated, by methods appropriate to national conditions and practice and by stages as necessary. The gradual nature of implementation is thus illustrated by examples of progressive extension of the scope by allowing all workers to benefit from measures originally restricted to certain categories of workers, an increasingly individual approach to leave enabling workers to satisfy their own aspirations, as opposed to leave designed for training to serve the interests of the enterprise, or the example of programmes which were first introduced on an experimental basis before

⁴¹ The Employers' Federation of Ceylon also expresses misgivings, raising the question of whether employers really need to grant leave for such purposes, in view of the high level of general education in Sri Lanka.

⁴² Cyprus. The question of whether the absence of provisions concerning leave for general education in this State constitutes an impediment to ratification is now the subject of discussion between the federal Government of Australia and the state of New South Wales.

⁴³ Tunisia.

⁴⁴ Denmark.

⁴⁵ From the Government of Norway.

⁴⁶ Japan. The Japanese Trade Union Confederation (JTUC-Rengo) states that Convention No. 140 is one of the 16 international labour Conventions which it requests the Government to ratify soon and on a priority basis.

being legislated. Members wishing to promote this means of providing their workers with the opportunity to attain continuing education could also draw inspiration from the methods used to develop gradually the grant of paid educational leave - which include the periodical review of collective agreements, the amendment of relevant legislation and the adoption of new legislative provisions, including to enact arrangements to which the social partners have already agreed.

Final remarks

479. The Committee's findings in this general survey are a source of both satisfaction and concern. The Committee notes with satisfaction that the objectives set out in the international standards on human resources development are almost universally recognised; at the same time, it must admit that the gradual implementation of these objectives is encountering considerable obstacles in several countries. The universality of the standards is difficult to reconcile with a situation where in several countries or sectors of economic activity general adherence to the principles laid down in the instruments does not lead to their implementation.

480. The growing attention which the Organisation has given to the informal sector, in both its standard-setting and technical co-operation activities, should contribute to a clearer assessment of the difficulties of application inherent in this sector, whose contributions to employment and to development in many countries are now being re-evaluated. In this respect, several reports reveal a tendency to see in Convention No. 142 nothing more than prescriptions of an institutional nature - an invitation merely to set up central bodies, with little influence on the informal sector. Nevertheless, the informal sector, which by its nature tends to elude regulation, accounts for a sizeable share of vocational guidance and training.

481. The problems raised by the application of the instruments on human resources development open up a vast area for the Office's technical co-operation activities. The emphasis which the Organisation has placed on strengthening the link between standard-setting activities and technical co-operation could be reflected in the Office's competent technical services offering member States greater and more diversified assistance in this area. They might do this in particular through practical advice and suggestions as regards the specific needs and constraints of different regions of the world and levels of development, designed to enhance the attainment of the Convention's objectives. The experience of these services and their understanding of the difficulties encountered could also be made available to all of the Members, for example in the form of a practical guide to help in the formulation and implementation of policies and programmes tailored to national conditions.

482. The Committee welcomes the Governing Body's decision to include within the scope of this general survey an examination of the legislation and practice regarding paid educational leave, thereby stressing the importance which this means of lifelong education for workers assumes in the context of national policies for the development of human resources. Because the provisions on paid

educational leave relate simultaneously to the areas of training, conditions of work and industrial relations (as regards trade union education leave), they can stimulate the interest of all concerned and, in particular, encourage workers both collectively and individually to think about their training. The Committee thus notes that several workers' organisations have included the question of paid educational leave in their programmes. Paid educational leave practices which have developed gradually in several countries and which rely heavily on the worker's initiative as regards the choice of training have the merits of emphasising the individual's own responsibility and making the worker's self-interest in further training and updating the main incentive for his or her lifelong education.

483. The instruments' provisions concerning the financing of paid educational leave, thanks to their flexibility, provide a suitable framework for the necessary debate between the social partners and the public authorities on their respective responsibilities in this area. The Committee has taken note of the difficulties which certain countries encounter owing to the weakness of their educational infrastructure or the employers' reluctance to bear the cost of educational leave which is not strictly related to the worker's job. But it has also identified several cases in which the very inadequacy of the general education system has resulted in employers being given a major responsibility in the basic education and general training of their employees. Moreover, it is accepted in many countries that employers contribute to the collective education and training efforts which enable them to benefit from the services of a better-educated labour force. The distinction between vocational training and general education seems to be blurring, as the qualities needed to perform complex and evolving tasks require not only a knowledge of highly specialised techniques but also the capacity to reason and adapt which lifelong general education seems able to develop.

484. The Committee would like to make a few remarks regarding the promotional nature of the two Conventions, to which several governments referred. When it introduced the concept of "promotional Conventions" a few years ago, the Committee used the term to describe a number of Conventions which, rather than laying down precise standards which a State binds itself to apply on ratification, set objectives to be attained by means of a continuing programme of action. Conventions Nos. 140 and 142, which call for the formulation and application of policies aimed at certain objectives and their gradual implementation, belong to this category of instruments. Nevertheless, the Committee notes that certain governments state that, although they adhere to the objectives of these Conventions and are developing corresponding policies, they are unable to ratify them on the ground that they have not yet attained all the objectives. In this respect, as it has pointed out on several occasions, it recalls that becoming a party to this type of Convention does not imply that all of the prescribed objectives have already been achieved or must be achieved in the immediate future, but involves a commitment to implement them gradually by adopting appropriate policies, attitudes

and measures.⁴⁷ The Committee, however, must also recall that the designation of a Convention as promotional in no way implies that it is not a legal instrument containing concrete obligations. Nor does the flexibility of a promotional Convention imply the absence of substantive requirements; rather, this flexibility lies in the discretion of member States to define, within the context of ongoing efforts, the nature and pace of the measures to be taken to achieve the objectives laid down.

485. Lastly, the Committee wishes to emphasise the great extent to which the information received evidences the importance of the instruments on human resources development and on paid educational leave for the whole of the Organisation's standard-setting activity and its pursuit of the objectives of social justice. For by broadening the choice of employment and allowing for labour mobility, by safeguarding each person's opportunities on the employment market, training plays a decisive part in the implementation of the Organisation's fundamental principles. Vocational guidance and training contribute to greater social equity and promote the full exercise of freedom of choice and equality of access in respect of employment and occupation. In both industrialised and developing countries, human resources development henceforth occupies a vital place in employment policies; and the growing role of the social partners in drawing up and applying these policies can be seen as a guarantee of their effectiveness. The contribution of vocational guidance and training to the objectives of non-discrimination, equal opportunity and treatment, and full, productive and freely chosen employment and the need for the close involvement of employers' and workers' organisations in these areas are now universally recognised. The fundamental role of international labour standards is thus enhanced, especially in the framework of a global strategy to deal with the problems arising from structural adjustment and meet the need in all countries "to pursue policies that enable adjustment to the changing conditions of an interdependent world economy".⁴⁸ While fully aware of the difficulties that must yet be overcome, the Organisation and its Members should see this as an encouragement to pursue their efforts with even greater resolve.

⁴⁷ In this respect, the Committee noted the comment of the Austrian Congress of Chambers of Workers, that the argument to the effect that there is no Act concerning educational leave, and that one is required before Convention No. 140 can be ratified, is unconvincing, since countries which adhere to international labour standards do not do so to boost their own prestige by showing to others that their legislation is already in conformity with the instrument: on the contrary, it is the Convention that lays down a minimum international standard which, once the instrument is ratified, may be incorporated in national law by means of legislation or collective agreement.

⁴⁸ Conclusions of the High-Level Meeting on Employment and Structural Adjustment, Official Bulletin, Vol. LXXI, 1988, Series A, No. 3, p. 173.

INSTRUMENTS EXAMINED IN THE GENERAL SURVEYConvention 140**CONVENTION CONCERNING PAID EDUCATIONAL LEAVE**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5 June 1974, and
Noting that Article 26 of the Universal Declaration of Human Rights affirms that everyone has the right to education, and

Noting further the provisions contained in existing international labour Recommendations on vocational training and the protection of workers' representatives concerning the temporary release of workers, or the granting to them of time off, for participation in education or training programmes, and

Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations calls for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural character, and

Considering that paid educational leave should be regarded as one means of meeting the real needs of individual workers in a modern society, and

Considering that paid educational leave should be conceived in terms of a policy of continuing education and training to be implemented progressively and in an effective manner, and

Having decided upon the adoption of certain proposals with regard to paid educational leave, 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 twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Convention, which may be cited as the Paid Educational Leave Convention, 1974:

Article 1

In this Convention, the term "paid educational leave" means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements.

Article 2

Each Member shall formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of—

- (a) training at any level;
- (b) general, social and civic education;
- (c) trade union education.

Article 3

That policy shall be designed to contribute, on differing terms as necessary—

- (a) to the acquisition, improvement and adaptation of occupational and functional skills, and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change;
- (b) to the competent and active participation of workers and their representatives in the life of the undertaking and of the community;
- (c) to the human, social and cultural advancement of workers; and
- (d) generally, to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements.

Article 4

The policy shall take account of the stage of development and the particular needs of the country and of different sectors of activity, and shall be co-ordinated with general policies concerning employment, education and training as well as policies concerning hours of work, with due regard as appropriate to seasonal variations of hours of work or of volume of work.

Article 5

The means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice.

Article 6

The public authorities, employers' and workers' organisations, and institutions or bodies providing education and training shall be associated, in a manner appropriate to national conditions and practice, with the formulation and application of the policy for the promotion of paid educational leave.

Article 7

The financing of arrangements for paid educational leave shall be on a regular and adequate basis and in accordance with national practice.

Article 8

Paid educational leave shall not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

Article 9

As necessary, special provisions concerning paid educational leave shall be established—

- (a) where particular categories of workers, such as workers in small undertakings, rural or other workers residing in isolated areas, shift workers or workers with family responsibilities, find it difficult to fit into general arrangements;
- (b) where particular categories of undertakings, such as small or seasonal undertakings, find it difficult to fit into general arrangements, it being understood that

workers in these undertakings would not be excluded from the benefit of paid educational leave.

Article 10

Conditions of eligibility for paid educational leave may vary according to whether such leave is intended for—

- (a) training at any level;
- (b) general, social or civic education; or
- (c) trade union education.

Article 11

A period of paid educational leave shall be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation, as provided for by national laws or regulations, collective agreements, arbitration awards or such other means as may be consistent with national practice.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 14

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 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 17

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 18

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 14 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 19

The English and French versions of the text of this Convention are equally authoritative.

Convention 142

CONVENTION CONCERNING VOCATIONAL GUIDANCE AND VOCATIONAL TRAINING IN THE DEVELOPMENT OF HUMAN RESOURCES.

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and
Having decided upon the adoption of certain proposals with regard to human resources development: vocational guidance and vocational training, which is the sixth item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Human Resources Development Convention, 1975:

Article 1

1. Each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.

2. These policies and programmes shall take due account of—

- (a) employment needs, opportunities and problems, both regional and national;
- (b) the stage and level of economic, social and cultural development; and
- (c) the mutual relationships between human resources development and other economic, social and cultural objectives.

3. The policies and programmes shall be pursued by methods that are appropriate to national conditions.

4. The policies and programmes shall be designed to improve the ability of the individual to understand and, individually or collectively, to influence the working and social environment.

5. The policies and programmes shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society.

Article 2

With the above ends in view, each Member shall establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it.

Article 3

1. Each Member shall gradually extend its systems of vocational guidance, including continuing employment information, with a view to ensuring that comprehensive information and the broadest possible guidance are available to all children, young persons and adults, including appropriate programmes for all handicapped and disabled persons.

2. Such information and guidance shall cover the choice of an occupation, vocational training and related educational opportunities, the employment situation and employment prospects, promotion prospects, conditions of work, safety and hygiene at work, and other aspects of working life in the various sectors of economic, social and cultural activity and at all levels of responsibility.

3. The information and guidance shall be supplemented by information on general aspects of collective agreements and of the rights and obligations of all concerned under labour law; this information shall be provided in accordance with national law and practice, taking into account the respective functions and tasks of the workers' and employers' organisations concerned.

Article 4

Each Member shall gradually extend, adapt and harmonise its vocational training systems to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility.

Article 5

Policies and programmes of vocational guidance and vocational training shall be formulated and implemented in co-operation with employers' and workers' organisations and, as appropriate and in accordance with national law and practice, with other interested bodies.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8

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 9

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 10

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 11

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 12

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 8 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 13

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 148**RECOMMENDATION CONCERNING PAID EDUCATIONAL LEAVE**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5 June 1974, and

Noting that Article 26 of the Universal Declaration of Human Rights affirms that everyone has the right to education, and

Noting further the provisions contained in existing international labour Recommendations on vocational training and the protection of workers' representatives concerning the temporary release of workers, or the granting to them of time off, for participation in education or training programmes, and

Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations calls for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural character, and

Considering that paid educational leave should be regarded as one means of meeting the real needs of individual workers in a modern society, and

Considering that paid educational leave should be conceived in terms of a policy of continuing education and training to be implemented progressively and in an effective manner, and

Having decided upon the adoption of certain proposals with regard to paid educational leave, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Recommendation, which may be cited as the Paid Educational Leave Recommendation, 1974:

I. DEFINITION

1. In this Recommendation, the term "paid educational leave" means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements.

II. FORMULATION OF POLICY AND METHODS OF IMPLEMENTATION

2. Each Member should formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of—

- (a) training at any level;
- (b) general, social and civic education;
- (c) trade union education.

3. That policy should be designed to contribute, on differing terms as necessary—

- (a) to the acquisition, improvement and adaptation of occupational and functional skills, and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change;
- (b) to the competent and active participation of workers and their representatives in the life of the undertaking and of the community;
- (c) to the human, social and cultural advancement of workers; and
- (d) generally, to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements.

4. (1) The policy should take account of the stage of development and the particular needs of the country and of different sectors of activity, of other social objectives, and of national priorities.

(2) It should be co-ordinated with general policies concerning employment, education and training as well as policies concerning hours of work, with due regard as appropriate to seasonal variations of hours of work or of volume of work.

5. The means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice.

6. It should be recognised that paid educational leave is not a substitute for adequate education and training early in life and that it is only one of a variety of means for continuing education and training.

III. MEASURES FOR PROMOTION OF PAID EDUCATIONAL LEAVE

7. The public authorities, employers' and workers' organisations, and institutions or bodies providing education and training should be associated, in a manner appropriate to national conditions and practice, with the formulation and application of the policy for the promotion of paid educational leave.

8. Measures should be taken, on the basis of plans adapted to the aims of the policy—

- (a) to ascertain the current and future education and training needs of workers which may be met by paid educational leave;
- (b) to make full use of all available education and training facilities, and to establish new facilities to meet the education and training purposes of paid educational leave;
- (c) to take account in teaching methods and education and training programmes of the objects and the terms of paid educational leave, which reflect new needs;
- (d) to encourage workers to make the best use of education and training facilities available to them;
- (e) to encourage employers to grant paid educational leave to workers.

9. There should be adequate systems of information and guidance regarding possibilities of paid educational leave.

10. Adequate arrangements should be made to ensure that the education and training provided are of appropriate quality.

IV. FINANCING

11. The financing of arrangements for paid educational leave should be on a regular and adequate basis and in accordance with national practice.

12. It should be recognised that—

- (a) employers, collectively or individually,
- (b) public authorities and educational or training institutions or bodies, and
- (c) employers' and workers' organisations,

may be expected to contribute to the financing of arrangements for paid educational leave according to their respective responsibilities.

V. CONDITIONS FOR GRANTING OF PAID EDUCATIONAL LEAVE

13. Paid educational leave should not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

14. Workers should remain free to decide in which education or training programmes they wish to participate.

15. As necessary, special provisions concerning paid educational leave should be established—

- (a) where particular categories of workers, such as workers in small undertakings, rural or other workers residing in isolated areas, shift workers or workers with family responsibilities, find it difficult to fit into general arrangements;
- (b) where particular categories of undertakings, such as small or seasonal undertakings, find it difficult to fit into general arrangements, it being understood that workers in these undertakings would not be excluded from the benefit of paid educational leave.

16. Conditions of eligibility for paid educational leave may vary according to whether such leave is intended for—

- (a) training at any level;
- (b) general, social or civic education; or
- (c) trade union education.

17. (1) In determining conditions of eligibility, account should be taken of the types of education or training programmes available and of the needs of workers and their organisations and of undertakings, as well as of the public interest.

(2) As regards paid educational leave for trade union education, the workers' organisations concerned should have the responsibility for selection of candidates.

(3) The manner in which workers who satisfy the conditions of eligibility are granted paid educational leave should be agreed upon between undertakings or the

employers' organisations concerned and the workers' organisations concerned so as to ensure the efficient continuing operation of the undertakings in question.

18. (1) Where trade union education programmes are carried out by the trade union organisations themselves, they should have the responsibility for planning, approval and implementation of the programmes.

(2) Where such programmes are carried out by other educational institutions or bodies, they should be established in agreement between those bodies and the trade union organisations concerned.

19. As required by national or local circumstances or by the circumstances of an undertaking, priority in the granting of paid educational leave should be given to particular categories of workers, or particular occupations or functions, which have especially urgent education or training needs.

20. The financial entitlements of workers during paid educational leave should—

- (a) maintain their level of earnings by continued payment of their wages and other benefits, or by adequate compensation therefor, as provided for by national laws or regulations, collective agreements, arbitration awards or such other means as may be consistent with national practice;
- (b) take account of any major additional costs of education or training.

21. A period of paid educational leave should be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation, as provided for by national laws or regulations, collective agreements, arbitration awards, or such other means as may be consistent with national practice.

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**RECOMMENDATION CONCERNING VOCATIONAL GUIDANCE AND
VOCATIONAL TRAINING IN THE DEVELOPMENT OF HUMAN
RESOURCES.**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Sixtieth Session on 4 June 1975, and
Considering the importance of vocational guidance and vocational training in the
implementation of employment policies and programmes, and

Noting the terms of existing international labour Conventions and Recommenda-
tions of direct relevance to employment policy and, in particular, of the
Discrimination (Employment and Occupation) Convention and Recommen-
dation, 1958, and of the Employment Policy Convention and Recommenda-
tion, 1964, and

Noting that the General Conference of the United Nations Educational, Scientific
and Cultural Organisation at its Eighteenth Session in 1974 adopted a Recom-
mendation on Technical and Vocational Education, and

Noting that the International Labour Organisation and the United Nations
Educational, Scientific and Cultural Organisation have collaborated closely
with a view to ensuring that the instruments of the two Organisations pursue
harmonised objectives and avoid duplication and conflict, and that they will
continue to collaborate closely with a view to the effective implementation of
these instruments, and

Having decided upon the adoption of certain proposals with regard to human
resources development: vocational guidance and vocational training, which is
the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommenda-
tion,

adopts this twenty-third day of June of the year one thousand nine hundred and
seventy-five the following Recommendation, which may be cited as the Human
Resources Development Recommendation, 1975:

I. GENERAL PROVISIONS

1. This Recommendation applies to the vocational guidance and vocational
training of young persons and adults for all areas of economic, social and cultural life
and at all levels of occupational skill and responsibility.

2 (1) For the purpose of this Recommendation, the qualification of the terms
"guidance" and "training" by the term "vocational" means that guidance and
training are directed to identifying and developing human capabilities for a produc-
tive and satisfying working life and, in conjunction with the different forms of

education, to improve the ability of the individual to understand and, individually or collectively, to influence working conditions and the social environment.

(2) The definition contained in sub-paragraph (1) of this Paragraph applies to guidance, to initial and further training, and to retraining, whatever the way in which they are provided and whatever the level of skill and responsibility.

3. In giving effect to this Recommendation, member States should take account of guidelines supplementing its provisions which may be formulated by regional conferences, industrial committees and meetings of experts or consultants convened by the International Labour Organisation and other competent bodies.

II. POLICIES AND PROGRAMMES

4. (1) Members should adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.

(2) These policies and programmes should take due account of—

- (a) employment needs, opportunities and problems, both regional and national;
- (b) the stage and level of economic, social and cultural development; and
- (c) the mutual relationships between human resources development and other economic, social and cultural objectives.

(3) The policies and programmes should be pursued by methods that are appropriate to national conditions.

(4) The policies and programmes should encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society.

(5) Such policies and programmes should also encourage undertakings to accept responsibility for training workers in their employment. Undertakings should co-operate with the representatives of their workers when planning their training programmes and should ensure, as far as possible, that these programmes are in line with those of the public training system.

(6) Such policies and programmes should have as objectives—

- (a) to ensure entry into productive employment, including self-employment, which corresponds to personal aptitudes and aspirations, and to facilitate occupational mobility;
- (b) to promote and develop creativity, dynamism and initiative with a view to maintaining or increasing work effectiveness;
- (c) to protect persons against unemployment or other loss of income or earning capacity deriving from lack of demand for their skills as well as against under-employment;
- (d) to protect persons against excessive physical or mental strain in employment;
- (e) to protect persons against occupational hazards by making high standards of teaching occupational safety and health an integral part of training for each trade or occupation;

- (f) to assist persons in their quest for satisfaction at work, for individual achievement and self-expression, and for the betterment of their lot in life through their own efforts to improve the quality or modify the nature of their contribution to the economy;
- (g) to achieve social, cultural and economic advancement and continuing adjustment to change, with the participation of all concerned in reshaping the work requirements;
- (h) to achieve the full participation of all groups in society in the process of development and in sharing the benefits deriving from it.

5. (1) With the above ends in view, Members should establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it.

(2) Members should aim in particular at—

- (a) ensuring that all have equal access to vocational guidance and vocational training;
- (b) providing, on a continuing basis, broadly conceived and realistic vocational guidance for the various groups of the population in all branches of economic activity;
- (c) developing comprehensive systems of vocational training covering all aspects of productive work in all branches of economic activity;
- (d) facilitating mobility between different lines of training, within and between the various occupations and sectors of economic activity and between different levels of responsibility;
- (e) co-ordinating vocational training for one sector of the economy or branch of economic activity with vocational training for other sectors or branches;
- (f) establishing patterns of systematic vocational training in all branches of economic activity and for all types of work and levels of skill and responsibility;
- (g) providing all workers with real possibilities for re-entering the educational system, at a level which takes account of their work experience;
- (h) establishing close co-operation and co-ordination between vocational guidance and vocational training provided outside the school system, on the one hand, and educational guidance and the school system, on the other;
- (i) establishing conditions permitting workers to supplement their vocational training by trade union education given by their representative organisations;
- (j) undertaking research and adapting administrative arrangements and methods as required for implementing the programmes of vocational guidance and vocational training.

6. The policies and programmes of vocational guidance and vocational training should—

- (a) be co-ordinated with policies and major programmes of social and economic development such as employment promotion, social integration, rural development, development of crafts and industry, adaptation of methods and organisation of work to human requirements and improvement of working conditions;
- (b) take account of international economic and technological interaction and co-operation;
- (c) be reviewed periodically in relation to current and planned social and economic development;

- (d) promote activities which will stimulate workers to contribute to improved international relations;
- (e) contribute to fuller understanding of technical, scientific, economic, social and cultural matters;
- (f) create and develop an appropriate infrastructure for providing adequate training respecting the essential standards of occupational health and safety.

III. VOCATIONAL GUIDANCE

7. (1) Members should gradually extend their systems of vocational guidance, including continuing employment information, with a view to ensuring that comprehensive information and the broadest possible guidance are available to all children, young persons and adults, including appropriate programmes for all handicapped and disabled persons.

(2) Such information and guidance should cover the choice of an occupation, vocational training and related educational opportunities, the employment situation and employment prospects, promotion prospects, conditions of work, safety and hygiene at work, and other aspects of working life in the various sectors of economic, social and cultural activity and at all levels of responsibility.

(3) The information and guidance should be supplemented by information on general aspects of collective agreements and of the rights and obligations of all concerned under labour law; this information should be provided in accordance with national law and practice, taking into account the respective functions and tasks of the workers' and employers' organisations concerned.

8. (1) The main objectives of vocational guidance programmes should be to—
- (a) provide children and young persons not yet in the labour force with the basis for choosing a line of education or vocational training in the light of their aptitudes, abilities and interests and of employment opportunities;
 - (b) assist persons in programmes of education and vocational training to derive the maximum benefit from them and to prepare themselves either for supplementary education or vocational training or for entry into an occupation and for continuing education and training as and when required during their working lives;
 - (c) assist persons who are entering the labour force, who seek to change their work activities, or who are unemployed, to choose an occupation and to plan related education and vocational training;
 - (d) inform employed persons of opportunities for improving their occupational development potential, their level of performance, their earnings and their position, of the educational and vocational training requirements and of the facilities available for this purpose;
 - (e) promote general awareness of the contributions which are and can be made by the various sectors of the economy and branches of economic activity, including those which have traditionally enjoyed little prestige, to general development and to expanding employment;
 - (f) assist co-operating institutions to provide information and feedback on the effectiveness of particular training programmes as an integral part of vocational guidance.

(2) Members should ensure that such programmes are compatible with the right to freedom of choice in selecting an occupation and to fair promotion opportunities as well as the right to education.

9. In extending the scope of their systems of vocational guidance, Members should pay special attention to—

- (a) helping children and young persons at school to gain an appreciation of the value and importance of work and an understanding of the world of work as well as to familiarise themselves with the conditions of work in as broad a range of occupations as possible—taking account of the employment and career opportunities that may be open to them—and with requirements for taking advantage of these opportunities;
- (b) giving children and young persons who have never been to school, or who left school early, information on as broad a range of occupations as possible and on employment opportunities in these occupations, as well as guidance on how they may gain access to them;
- (c) giving adults in employment, including self-employment, information on trends and objectives in development which concern them and in particular on the implications of social, technical and economic change for their field of work;
- (d) giving unemployed and under-employed persons all the necessary information and guidance on possibilities of finding employment or improving their employment situation and on means available for achieving this purpose;
- (e) giving persons who meet special problems in relation to education, vocational training or employment, assistance in overcoming them within over-all measures aiming at social progress.

10. (1) Both group vocational guidance programmes—namely the dissemination of factual material and counselling for groups of persons who have similar vocational needs—and individual counselling should be made available.

(2) Individual counselling should be available, in particular, to young persons and adults requiring specialised assistance in identifying their occupational aptitudes, abilities and interests, in assessing the educational, vocational training and employment opportunities which are likely to be available to them, and in choosing a line of education, vocational training or employment.

(3) Individual counselling—and, as appropriate, group vocational guidance activities—should take into account the individual's specific need of information and support, with particular attention to the physically and mentally handicapped and disabled as well as to socially and educationally disadvantaged persons. They may include exercises in seeking and evaluating information and in decision making, as well as exposure to expanded career choices and goals, in order to develop the capacity to make an informed choice. They should always take into account the individual's right to make his own choice on the basis of comprehensive relevant information.

(4) Individual counselling should, whenever required, be supplemented by advice for remedial action and such other help as may be useful for the purposes of vocational adjustment.

11. Members whose vocational guidance programmes are in the early stages of development should, in the first instance, aim at—

- (a) drawing the attention of young persons to the importance of choosing general and vocational education taking full account of existing employment prospects and of trends in economic and social development, as well as of their personal aptitudes and interests;

- (b) assisting those groups of the population which require help in overcoming traditional restrictions on their free choice of education, vocational training or occupation;
- (c) meeting the needs of those with special potential in fields of work which are of major importance.

12. Members should make full use, in their vocational guidance programmes, of all available facilities and media through which the various groups of the population concerned can be reached most effectively.

13. (1) Wherever practicable, appropriate tests of capacity and aptitude—including both physiological and psychological characteristics—and other methods of examination should be made available for use in vocational guidance as appropriate to the needs of individual cases.

(2) Such tests and other methods of examination should be used only in agreement with the person seeking guidance and in conjunction with other methods of exploring personal characteristics; they should be carried out only by specialists.

(3) The results obtained in the application of such tests and other methods of examination should not be communicated to a third person without the express agreement of the person examined.

14. (1) Where tests and other methods of examination are employed in vocational guidance, they should be standardised for the age groups, populations and cultures concerned and should be validated for the particular purposes for which they are intended.

(2) There should be a continuing programme for the development and restandardisation, at regular intervals, of such tests and other methods of examination in order to take account of changing conditions and life styles.

IV. VOCATIONAL TRAINING

A. General Provisions

15. (1) Members should gradually extend, adapt and harmonise the vocational training systems of their respective countries to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility.

(2) In doing so they should pay special attention to—

- (a) providing opportunities for promotion which should be open, wherever possible, to persons with the desire and ability to reach higher levels of skill and responsibility;
- (b) improving vocational training in sectors of the economy and branches of economic activity in which vocational training is largely unsystematic and in which obsolescent technologies and methods of work prevail;
- (c) providing vocational training for members of the population who had not received adequate attention in the past, in particular for groups which are economically or socially disadvantaged;
- (d) effectively co-ordinating general education and vocational training, theoretical and practical instruction and initial and further training.

(3) Vocational training programmes should be so conceived as to promote full employment and the development of the capabilities of each person.

16. Vocational training programmes for individual occupations and branches of economic activity should, as appropriate, be arranged in progressive stages which together provide adequate opportunities for—

- (a) initial training for young persons and adults with little or no previous work experience;
- (b) further training which should enable persons engaged in an occupation—
 - (i) to improve their performance or broaden the range of activities which they can undertake, to proceed to higher-level work or to gain promotion;
 - (ii) to update their knowledge and skills in the light of developments in the occupation concerned;
- (c) retraining to enable adults to acquire new qualifications for a different occupational field;
- (d) such further education as is necessary to complement the training;
- (e) training in safety and health at the place of work, especially for young persons and adults with little previous work experience;
- (f) acquiring information on rights and obligations in employment, including social security schemes.

17. (1) Every effort should be made to develop and utilise to the full, if necessary with public financing, existing and potential vocational training capacity, including the resources available in undertakings, in order to provide programmes of continuing vocational training.

(2) In the provision of training, advantage should be taken, as appropriate, of mass media, mobile units, and correspondence courses and other self-instruction programmes.

18. Programmes of initial training for young persons with little or no work experience should include in particular—

- (a) general education which is co-ordinated with practical training and related theoretical instruction;
- (b) basic training in knowledge and skills common to several related occupations which could be given by an educational or vocational training institution or in an undertaking either on or off the job;
- (c) specialisation in directly usable knowledge and skills for employment opportunities which already exist or are to be created;
- (d) supervised initiation into a real work situation.

19. (1) Full-time courses of initial training should, wherever possible, provide for adequate synchronisation between theoretical tuition in training institutions and training given on the job in undertakings in order to ensure that the former is related to the real work situation; similarly, practical training off the job should, as far as possible, be related to real work situations.

(2) Training on the job arranged as an integral part of courses given by training institutions should be planned jointly by the undertakings, institutions and workers' representatives concerned with a view to—

- (a) enabling the trainees to apply in actual working conditions what they have learned off the job;

- (b) providing training in aspects of the occupation which cannot be covered outside undertakings;
- (c) familiarising young persons with little or no work experience with the requirements and conditions they are likely to encounter at work and with their responsibilities within a working group.

20. Persons entering employment after completing the full-time courses mentioned in Paragraph 19 above should receive—

- (a) induction to familiarise them with the nature and objectives of the undertaking and the conditions in which work is performed there;
- (b) systematic complementary training on the job, together with the necessary theoretical courses;
- (c) as far as possible, planned experience in a series of activities and functions of training value, including adjustment to the workplace.

21. The competent authorities should, in line with national planning and national laws and regulations and after consultation of employers' and workers' organisations, establish national or regional further-training plans related to employment.

22. (1) Undertakings should, in consultation with workers' representatives, with the persons concerned and with those in charge of their work, establish and review at regular intervals further-training plans for persons in their employment at all levels of skill and responsibility; a joint committee may be established for the purpose.

(2) These plans should—

- (a) provide opportunities to qualify for advancement to higher levels of skill and responsibility;
- (b) cover technical and other training and work experience for the persons concerned;
- (c) take account of the abilities and interests of the persons concerned as well as of work requirements.

(3) Persons in charge of the work of others should have an obligation to make an effective contribution to the success of further-training plans.

(4) Organisational responsibility for the establishment, implementation and review of further-training plans should be clearly defined and should be assigned, as far as possible, to a special unit or to one or more persons operating at a level commensurate with such responsibility.

23. (1) Workers being trained within an undertaking should—

- (a) receive adequate allowances or remuneration;
- (b) be covered by the social security measures applicable to the regular workforce of the undertaking concerned.

(2) Workers receiving training off the job should be granted educational leave in accordance with the terms of the Paid Educational Leave Convention and Recommendation, 1974.

B. Vocational Training Standards and Guidelines

24. (1) Initial and further training leading to recognised occupational qualifications should be covered as far as possible by general standards set or approved by the competent body, after consultation with the employers' and workers' organisations concerned.

(2) These standards should indicate—

- (a) the level of skills and knowledge required of candidates for the various vocational training courses;
- (b) the level of performance to be attained in each major activity or function of the occupation concerned during each phase of training and, as far as possible, the content and duration of training and the facilities and equipment needed to ensure that the level of performance indicated may be attained;
- (c) the part of the vocational training to be provided by the system of formal education, by vocational training institutions, by undertakings through training on the job, or by other means;
- (d) the character and duration of any work experience that may be required in vocational training programmes;
- (e) the training content, on the basis of the principles of multi-purpose training and occupational mobility;
- (f) the methodology to be applied, taking into account the objectives of the training and the characteristics of the trainees;
- (g) any examinations to be taken or other means of assessing achievement;
- (h) the certificates to be issued on successful completion of vocational training.

25. (1) The same occupation may be covered by more than one vocational training standard when, and for as long as, the conditions in which the work is carried out and the activities it involves vary widely between different sectors of the economy, branches of economic activity or undertakings of different sizes.

(2) Standards covering the same occupations should be co-ordinated in order to facilitate job mobility, with full recognition of the qualifications already held and of work experience in the occupation.

26. (1) Guidelines indicating the desirable organisation and content of vocational training should be established for occupations, levels of skill and knowledge and levels of responsibility for which the standards provided for in Paragraph 24 of this Recommendation are shown not to be appropriate.

(2) Such guidelines may be necessary in particular to cover—

- (a) training for future supervisors, specialists and managers and for persons already employed in these capacities;
- (b) training for training officers and for managers, supervisors and instructors of vocational training;
- (c) vocational training for branches of economic activity in which there are large numbers of self-employed persons or of small undertakings;
- (d) the improvement of vocational training for branches of economic activity in which there has been little or no provision for the necessary systematic vocational training, and for undertakings using obsolescent technologies and methods of work.

(3) Such guidelines may also be appropriate for the first training in employment of persons who have just completed full-time courses of initial training in educational and vocational training institutions.

27. Vocational training standards and guidelines should be evaluated and reviewed periodically, with the participation of employers' and workers' organisations, and adjusted to changing requirements, the periodicity of review being determined by the rate of change in the occupation concerned.

28. (1) Members should gradually establish standards and guidelines or, as the case may be, extend their applicability until all major occupations and all levels of skill and responsibility are covered.

(2) Priority should be given to vocational training for occupations and levels of skill and responsibility of key importance for social and economic advancement.

V. TRAINING FOR MANAGERS AND SELF-EMPLOYED PERSONS

29. (1) Training for management and supervisory functions should be provided for persons in charge of the work of others, for professional and specialist personnel participating in management and for persons being prepared to assume management and supervisory functions.

(2) The competent authorities should, in line with national planning and national laws and regulations and after consultation of employers' and workers' organisations, establish plans for training for management and supervisory functions and for self-employed persons.

30. (1) The content of programmes of training for management and supervisory functions should take account of the level of the current and prospective responsibilities of the trainees.

(2) The programmes should be designed in particular to—

- (a) develop an adequate knowledge and understanding of the economic and social aspects of decision making;
- (b) foster attitudes and abilities for leading and motivating other persons, while respecting human dignity, and for developing sound industrial relations;
- (c) develop initiative and a positive attitude towards change and a capacity to appreciate the effect of change on other people;
- (d) develop the capacity for assuming new responsibilities on the job;
- (e) develop awareness of the importance of education, vocational guidance and vocational training for the personnel of the undertaking;
- (f) develop awareness of the conditions of workers in their occupational life, concern for their welfare and knowledge of labour law and of social security schemes;
- (g) develop understanding of the value of efforts towards self-improvement;
- (h) provide the basis for further training in accordance with changing requirements.

31. (1) Vocational training programmes for self-employment should take account of the social situation of the worker and—

- (a) include, in addition to training specific to the technical field concerned, training in the basic principles and practices of business management and of training other persons;
- (b) develop awareness of the need to take initiatives and assess and accept risks.

(2) Such programmes should provide regular opportunities for updating training and be reinforced by a continuing flow of information on new developments in the technical field concerned, as well as on sources of finance and, if necessary, on the most efficient marketing methods.

VI. PROGRAMMES FOR PARTICULAR AREAS OR BRANCHES OF ECONOMIC ACTIVITY

32. (1) Appropriate programmes of vocational guidance and vocational training should be established for particular areas or branches of economic activity in which comprehensive improvement action or major structural change is required.

(2) Such programmes should form part of national vocational guidance and vocational training programmes as a whole and be co-ordinated with other action to develop the area or branch of economic activity concerned.

33. Among the areas or branches of economic activity for which such programmes may be required, particular attention might be given to rural areas, to branches of economic activity using obsolescent technologies and methods of work, to industries and undertakings in decline or converting their activities, and to planned or newly established industries.

A. Rural Areas

34. (1) Programmes for rural areas should aim at achieving full equality of opportunity of the rural and urban populations as regards vocational guidance and vocational training.

(2) They should be conceived within the framework of national development policies, taking account among other things of patterns and trends in migration between rural and urban areas.

35. (1) Programmes for rural areas should make adequate provision for the special vocational guidance and vocational training needs of—

- (a) agricultural workers, including plantation workers, small owner-occupiers, tenant farmers and sharecroppers and other persons engaged in agriculture and related activities, particularly in relation to agrarian reform and other major changes in supply, production and distribution systems in the areas concerned;
- (b) persons engaged in non-agricultural occupations, with special emphasis on education, communications, transport and other services and craft occupations.

(2) Such programmes should take account of differences in needs according to the type of rural activity involved, its degree of mechanisation, specialisation and modernisation and the scale on which it is conducted.

(3) Programmes for rural areas should include training in organising co-operatives and in managing undertakings.

36. (1) Countries in which facilities and programmes of vocational guidance and vocational training for rural areas are as yet little developed should concentrate initially on—

- (a) providing information for young persons and adults in rural areas on the objectives of and action proposed for making improvements or major structural changes in the area and on the implications of such action for their work and lives;
- (b) providing systematic education and vocational training, full time or part time as appropriate, for young persons in employment to complement informal learning on the job;
- (c) providing short programmes of upgrading training or of retraining for adults through existing vocational training, or extension or other advisory services;

- (d) developing social and economic leadership in rural areas and encouraging participation by broader groups of the population in development action;
- (e) encouraging a desire for self-improvement.

(2) Such countries should keep their priorities for rural areas under review so as to work progressively towards—

- (a) developing comprehensive vocational information and guidance services for the rural population as a whole;
- (b) introducing or generalising systematic initial training for young persons;
- (c) introducing comprehensive programmes of further training on a continuing or recurrent basis to meet the needs of adults.

37. Countries which, for financial reasons or lack of trained personnel, are not in a position to provide adequate services for the rural population as a whole, might consider—

- (a) concentrating action temporarily on limited geographical areas where important lessons may be learnt for subsequent action in other areas;
- (b) giving preference to landless labourers and other economically weak groups in rural areas, which are in greatest need of economic and social justice.

B. Branches of Economic Activity Using Obsolescent Technologies and Methods of Work

38. (1) Programmes for branches of economic activity and occupations in which the use of obsolescent technologies and methods of work is widespread should be developed as appropriate along similar lines to those for rural areas.

(2) The aim should be to provide vocational guidance and vocational training for persons employed in or entering these branches of economic activity or occupations which will enable them to participate in or contribute to the modernisation of methods and products and to benefit from changes introduced.

39. Extension and other advisory services for self-employed persons and small entrepreneurs in these branches of economic activity and occupations should provide them with information on possibilities of innovation in their work, and on related vocational training and other services.

40. In planning vocational training for such branches of economic activity and occupations particular consideration should be given to—

- (a) needs and opportunities for extending the scope of or for specialising the activities of undertakings, and the vocational training implications of such extension or specialisation;
- (b) possibilities of improving vocational training practices and, in particular, of providing opportunities for continuing training;
- (c) possibilities of combining training services to managers of undertakings with other action for raising the level of performance;
- (d) the creation of new opportunities for gainful employment.

41. Vocational training for such branches of economic activity and occupations—

- (a) may be conceived initially as a complement to the learning systems by which work knowledge and skills are traditionally acquired;
- (b) should take account of the needs both of young persons receiving initial training and of persons already working in these branches of economic activity and occupations, including the small entrepreneurs and other persons who give initial training to young persons.

C. Industries and Undertakings in Decline or Converting Their Activities

42. When industries or undertakings begin to decline, workers affected should in good time receive vocational guidance and vocational training to facilitate a change in skills and provide the opportunity of finding new employment.

43. When industries or undertakings change their products and methods of production or the services they provide, workers affected should in good time receive training, organised in co-operation with the industries or undertakings concerned, to enable them to adapt themselves to their new tasks.

D. New Industries

44. In planning vocational guidance and vocational training in connection with the establishment of new industries, account should be taken of—

- (a) needs for workers, specialists, managers and administrators during the construction phase and after the new plants have been commissioned, and of any need for retraining persons employed during the construction phase with a view to placing them in other jobs after commissioning;
- (b) needs for independent workers and entrepreneurs to undertake subcontracting for the new industries;
- (c) the need to provide information relating to and vocational training for new activities rendered possible or necessary by the change in the economic conditions in the region;
- (d) the need to provide vocational guidance and vocational retraining for persons whose knowledge and skills are rendered obsolete by changes in the structure of demand for labour within the region;
- (e) the need to provide new opportunities for independent workers and entrepreneurs whose business may suffer from the competition created by the new industries.

VII. PARTICULAR GROUPS OF THE POPULATION

45. (1) Measures should be taken to provide effective and adequate vocational guidance and vocational training for particular groups of the population so that they will enjoy equality in employment and improved integration into society and the economy.

(2) Particular attention should be paid to such groups as—

- (a) persons who have never been to school or who left school early;
- (b) older workers;
- (c) members of linguistic and other minority groups;
- (d) handicapped and disabled persons.

A. Persons Who Have Never Been to School or Who Left School Early

46. Measures should be taken to provide all persons who have never been to school or who left school before acquiring a general education adequate for integration into a modernising society and economy with vocational guidance, general education and training in basic skills, due account being taken of opportunities on the employment market.

47. Vocational guidance for persons who have never been to school or who left school before acquiring adequate literacy and numeracy should be as broadly conceived as possible, while taking account of special educational and vocational training facilities, and other opportunities for education, training and employment that may be expected to be available to them.

48. (1) Arrangements for providing such persons with basic skills and general education might include—

- (a) part-time instruction in knowledge and skills relevant to their work, and general education linked with that instruction, for children employed in the family farm or business or in other areas of the economy;
- (b) courses in relevant basic skills and related general education for young persons and, if appropriate, adults, to facilitate their entry into systematic vocational training or to broaden their opportunities for employment and promotion;
- (c) arrangements for special vocational training combined with productive work for young unemployed persons, supplemented as necessary by courses of general education, with a view to giving them such education, skills and work habits as are necessary for useful and remunerative economic activity;
- (d) instruction in literacy and numeracy, particularly for adults, which is linked with vocational training in the knowledge and skills required in a particular occupation or type of work and for active participation in development action; such instruction should be co-ordinated with general measures for the eradication of illiteracy;
- (e) special educational and technical upgrading courses for young persons and adults in employment to raise the level of their performance or improve their opportunities for advancement;
- (f) special courses in skills urgently required in employment for persons with little or no formal education.

(2) Special vocational training methodologies should be developed and applied for the arrangements provided for in this Paragraph.

49. The certificates obtainable through such arrangements should be co-ordinated with those obtainable in the system of formal education and by persons trained by other means.

B. Older Workers

50. (1) Measures to meet difficulties faced by older workers in employment might include as appropriate—

- (a) identifying and changing as far as possible working conditions which are likely to accelerate the physical and mental processes of ageing;
- (b) providing older workers with the vocational guidance and vocational training which they require, with special reference to any need for—
 - (i) updating their knowledge and skills by providing them with relevant information at the appropriate time;

- (ii) upgrading the level of their general education and occupational qualifications by the use of specialists in adult vocational training, so that it may match that of better educated and trained young persons entering or already in the same occupation;
- (iii) informing them at the appropriate time about facilities available for further training and carrying out such training at the appropriate moment, namely before the introduction of new working techniques and working methods;
- (iv) making available to them, as appropriate, other positions in their own or in another occupation in which they can make use of their talents and experience, as far as possible without loss of earnings;
- (v) ensuring that they are not debarred from vocational training by unrealistic age limits for admission;
- (vi) developing a vocational training methodology adapted to the needs of older workers;
- (vii) taking all necessary measures for the provision of technically and pedagogically competent instructors, well prepared to carry out further training adapted to the special requirements of older workers;
- (c) encouraging older workers to take advantage of the vocational guidance and vocational training facilities or opportunities for transfer which will help them to overcome their problems;
- (d) educating the general public, and particularly vocational guidance and vocational training staff, the staff of employment and other relevant social services, employers and workers, on the adjustments in employment which older workers may need to make and on the desirability of supporting them in such adjustments.

(2) Measures should also as far as possible be taken to develop work methods, tools and equipment adapted to the special requirements of older workers and to provide training in their use.

C. Linguistic and Other Minority Groups

51. Members of linguistic and other minority groups should be provided with vocational guidance which would inform them in their own language or in a language with which they are familiar, or if necessary through interpreters, of prevailing conditions and requirements in employment, of the rights and obligations of all concerned and of assistance available for solving their particular problems.

52. Special vocational training programmes should be provided as necessary for linguistic and other minorities. In the case of linguistic minorities such training should, if possible, be given in the vernacular and should, as appropriate, include language training.

D. Handicapped and Disabled Persons

53. (1) Whenever they can benefit by it, persons who are handicapped or disabled should have access to vocational guidance and vocational training programmes provided for the general population.

(2) Where this is not desirable owing to the severity or the nature of the handicap or disablement or the needs of specific groups of handicapped or disabled persons, specially adjusted programmes should be provided.

(3) Every effort should be made to educate the general public, employers and workers, as well as medical and paramedical personnel and social workers, on the need for giving persons who are handicapped or disabled vocational guidance and vocational training which would enable them to find employment suitable to their needs, on the adjustments in employment which some of them may require and on the desirability of special support for them in their employment.

(4) Measures should be taken to ensure, as far as possible, the integration or reintegration of the handicapped and the disabled into productive life in a normal working environment.

(5) Account should be taken of the Vocational Rehabilitation (Disabled) Recommendation, 1955.

VIII. PROMOTION OF EQUALITY OF OPPORTUNITY OF WOMEN AND MEN IN TRAINING AND EMPLOYMENT

54. (1) Measures should be taken to promote equality of opportunity of women and men in employment and in society as a whole.

(2) These measures should form an integral part of all economic, social and cultural measures taken by governments for improving the employment situation of women and should include, as far as possible—

- (a) educating the general public and in particular parents, teachers, vocational guidance and vocational training staff, the staff of employment and other social services, employers and workers, on the need for encouraging women and men to play an equal part in society and in the economy and for changing traditional attitudes regarding the work of women and men in the home and in working life;
- (b) providing girls and women with vocational guidance on the same broad range of educational, vocational training and employment opportunities as boys and men, encouraging them to take full advantage of such opportunities and creating the conditions required for them to do so;
- (c) promoting equality of access for girls and women to all streams of education and to vocational training for all types of occupations, including those which have been traditionally accessible only to boys and men, subject to the provisions of international labour Conventions and Recommendations;
- (d) promoting further training for girls and women to ensure their personal development and advancement to skilled employment and posts of responsibility, and urging employers to provide them with the same opportunities of extending their work experience as offered to male workers with the same education and qualifications;
- (e) providing day-care facilities and other services for children of different ages, in so far as possible, so that girls and women with family responsibilities have access to normal vocational training, as well as making special arrangements, for instance in the form of part-time or correspondence courses, vocational training programmes following a recurrent pattern or programmes using mass media;
- (f) providing vocational training programmes for women above the normal age of entry into employment who wish to take up work for the first time or re-enter it after a period of absence.

55. Special vocational training arrangements and programmes, similar to those envisaged in clauses (e) and (f) of subparagraph (2) of Paragraph 54 of this Recommendation, should be available to men having analogous problems.

56. Account should be taken of the Employment Policy Convention and Recommendation, 1964, in the implementation of measures for the promotion of equality of opportunity of women and men in training and employment.

IX. MIGRANT WORKERS

57. Effective vocational guidance and vocational training should be provided for migrant workers, so that they will enjoy equality of opportunity in employment.

58. Vocational guidance and vocational training for migrant workers should take into account that they may have a limited knowledge of the language of the country of employment. Paragraphs 51 and 52 of this Recommendation should be applied to them.

59. Vocational guidance and vocational training of migrant workers should take account of—

- (a) the needs of the country of employment;
- (b) the possible reintegration of migrant workers into the economy of their country of origin.

60. Account should be taken, as regards vocational guidance and vocational training for migrant workers, of the relevant provisions of international labour Conventions and Recommendations concerned with such workers. These questions should also be the subject of agreements between countries of origin and countries of employment.

X. TRAINING OF STAFF FOR VOCATIONAL GUIDANCE AND VOCATIONAL TRAINING ACTIVITIES

61. Provision for the training of staff should cover all persons responsible either full time or part time for planning, organising, administering, developing, supervising or giving vocational guidance or vocational training.

62. (1) In addition to receiving training in vocational guidance, including individual counselling, persons giving vocational guidance should be familiarised with the world of work generally and with the conditions of work and functions of persons engaged in a broad range of occupations at all levels of skill and responsibility as well as with the employment and career opportunities in these occupations and with the training courses and training facilities available for them: they should also be acquainted with general aspects of collective agreements and of rights and obligations under labour law.

(2) The training of persons giving vocational guidance should as appropriate include study of the physiological, psychological and sociological characteristics of different groups and of specialised guidance methods.

63. (1) Persons engaged in giving vocational training should have comprehensive theoretical and practical knowledge as well as substantial work experience in the technical field or functions concerned, together with technical and pedagogical training acquired in educational and training institutions.

(2) The training of such persons should, as appropriate, include study of the various characteristics and attitudes of different groups of trainees and of specialised training methods.

64. (1) Persons engaged in vocational training for particular branches of economic activity should be familiarised with the social, economic and technical aspects and conditions of the particular branch of economic activity concerned.

(2) For instance, in addition to technical and vocational education and vocational training in their speciality, persons engaged in rural development activities should receive training in such fields as—

- (a) the economics of agriculture, forestry and other rural activities;
- (b) methods and techniques of farm and forest management;
- (c) rural sociology and institutions;
- (d) mass communication and extension training techniques;
- (e) the activities of co-operatives where such exist.

65. Persons engaged in vocational guidance and vocational training activities for particular groups of the population should be familiarised with the special social and economic problems of these groups.

66. (1) Persons responsible for planning, organising, administering or supervising vocational guidance or vocational training programmes, including directors and managers of vocational guidance or vocational training institutions or services, training directors and officers of undertakings, and vocational guidance and vocational training consultants, should have had experience of giving vocational guidance or vocational training respectively.

(2) Wherever possible, persons with such responsibilities in regard to vocational training programmes should have had experience of work in undertakings on other than vocational training duties.

67. All persons engaged in vocational guidance and vocational training activities should be given frequent opportunities of refreshing and updating their knowledge of social, economic, technical and psychological elements relevant to their line of work and of learning about new methods and techniques applicable to their work.

XI. RESEARCH

68. Members should make provision for research and experimental programmes designed with a view to—

- (a) determining criteria for setting priorities and establishing strategies for the development of vocational guidance and vocational training for particular branches of economic activity and groups of the population;
- (b) determining and forecasting employment opportunities in the various branches of economic activity and occupations;
- (c) increasing knowledge of the psychological, sociological and pedagogical aspects of vocational guidance and vocational training;
- (d) evaluating the internal efficiency and external effectiveness of individual components of the systems of vocational guidance and vocational training;
- (e) determining the direct and indirect costs and benefits of alternative patterns and methods of providing vocational guidance and vocational training;
- (f) improving, for the population concerned, the psychological tests and other methods used for the identification of talent, the appraisal of aptitudes and interests, and the assessment of levels of knowledge and skill attained through vocational training;
- (g) increasing available information on occupations and their requirements.

XII. ADMINISTRATIVE ASPECTS AND REPRESENTATIVE BODIES

69. (1) Public authorities and bodies concerned with general education and with vocational guidance, technical and vocational education, vocational training, training of staff for human resources development and management training, public authorities and bodies concerned with planning and implementation of employment and other social and economic development policies, and bodies representative of the various branches of economic activity and occupations, and of the various groups of the population concerned, should collaborate in establishing policies, and in planning and implementing programmes for vocational guidance and vocational training.

(2) Representatives of employers' and workers' organisations should be included in the bodies responsible for governing publicly operated training institutions and for supervising their operation; where such bodies do not exist, representatives of employers' and workers' organisations should in other ways participate in the setting-up, management and supervision of such institutions.

70. In addition to participating in the establishment of policy and the planning and implementation of programmes, representative bodies should, subject to national laws and regulations and within the framework of national planning—

- (a) encourage and assist their members to—
 - (i) provide opportunities and facilities for vocational guidance and vocational training;
 - (ii) support the provision of such opportunities and facilities;
 - (iii) make full use of them;
- (b) provide vocational guidance and vocational training as necessary to complement the action of other bodies, services or persons and provide information which will facilitate such action;
- (c) participate in research.

71. The respective roles and responsibilities of all those concerned with the development of human resources should be clearly defined.

72. In administering programmes of vocational guidance and vocational training provision should be made for—

- (a) advising the bodies, services, institutions and undertakings concerned on the social, technical and methodological aspects involved in the implementation of the programmes;
- (b) furnishing supporting services and facilities, such as research, standards and guidelines for the organisation of vocational guidance and vocational training and audio-visual aids and information on appropriate techniques and methods;
- (c) organising publicly controlled examinations or applying other means of assessing achievement for occupations covered by vocational training standards;
- (d) training of staff;
- (e) making available research findings and other experience to persons or bodies responsible for planning and implementing the programmes;
- (f) providing adequate financial support for implementing the programmes.

XIII. PERIODICAL REVIEWS

73. Members should periodically review their programmes of vocational guidance and vocational training with a view to—

- (a) achieving the best use of staff, facilities and media;
- (b) adjusting the organisation, content and methods of vocational guidance and vocational training in the light of changing conditions and requirements in the various branches of economic activity and the needs of particular groups of the population, as well as in the light of advances in relevant knowledge;
- (c) determining other action which may be required for the effectiveness of national policies for the furtherance of the goals referred to in Paragraphs 4 to 6 of this Recommendation.

XIV. INTERNATIONAL CO-OPERATION

74. Members should co-operate with each other to the fullest extent possible, with the participation, as desired, of governmental and non-governmental regional and international organisations, as well as non-governmental national organisations, in planning, elaborating and implementing programmes of vocational guidance and vocational training.

75. Such co-operation may include—

- (a) the provision, on a bilateral or multilateral basis, of assistance to other countries in the planning, elaboration or implementation of such programmes;
- (b) the organisation of joint research and experiments with a view to improving the efficiency and effectiveness of the planning and implementation of programmes;
- (c) making facilities available or establishing joint facilities to enable persons concerned with vocational guidance and vocational training to acquire knowledge, skill and experience which are not available in their own countries;
- (d) the systematic exchange of information on vocational guidance and vocational training, including the results of research and experimental programmes, by means of expert meetings, seminars, study groups or exchange of publications;
- (e) the progressive harmonisation of vocational training standards for the same occupation within a group of countries with a view to facilitating occupational mobility and access to training abroad;
- (f) the preparation and dissemination of basic vocational guidance and vocational training material and aids, including curricula and job specifications, with a view to their use in a group of countries or a region with similar requirements or working towards the harmonisation of vocational training levels and of vocational guidance practices.

76. Members should consider establishing or contributing to the joint establishment or operation of centres for a region or group of countries to facilitate exchange of experience and promote co-operation in programme development and methodological research.

XV. EFFECT ON EARLIER RECOMMENDATIONS

77. (1) This Recommendation supersedes the Vocational Guidance Recommendation, 1949, the Vocational Training (Agriculture) Recommendation, 1956, and the Vocational Training Recommendation, 1962.

(2) The Vocational Rehabilitation (Disabled) Recommendation, 1955, the Vocational Training (Fishermen) Recommendation, 1966, the Special Youth Schemes Recommendation, 1970, and the Vocational Training (Seafarers) Recommendation, 1970, remain applicable to the categories of persons covered by their terms.

APPENDIX II

RATIFICATIONS AND DECLARATIONS OF APPLICATION OF CONVENTIONS Nos. 140 AND 142

CONVENTION No. 140

<u>States</u>	<u>Date of ratification</u>
AFGHANISTAN	16.05.1979
CUBA	30.12.1975
CZECHOSLOVAKIA	24.05.1976
FRANCE	20.10.1975
GERMANY	30.11.1976
GUINEA	20.04.1976
GUYANA	10.01.1983
HUNGARY	10.06.1975
IRAQ	09.05.1978
KENYA	09.04.1979
MEXICO	17.02.1977
NETHERLANDS	14.09.1976
NICARAGUA	01.10.1981
POLAND	23.04.1979
SAN MARINO	19.04.1988
SPAIN	18.09.1978
SWEDEN	23.09.1975
TANZANIA, UNITED REPUBLIC OF	30.05.1983
UNITED KINGDOM	04.12.1975
VENEZUELA	06.09.1983
YUGOSLAVIA	06.12.1983
<u>Non-metropolitan territories</u>	<u>Date of declaration</u>
- <u>Applicable without modifications</u>	
ANGUILLA (UNITED KINGDOM)	19.01.1977
ARUBA (NETHERLANDS)	18.02.1986
- <u>Applicable with modifications</u>	
JERSEY (UNITED KINGDOM)	21.12.1977

CONVENTION No. 142

<u>States</u>	<u>Date of ratification</u>
AFGHANISTAN	16.05.1979
ALGERIA	26.01.1984
ARGENTINA	15.06.1978
AUSTRALIA	10.09.1985
AUSTRIA	02.03.1979
BRAZIL	24.11.1981
BYELORUSSIAN SSR	03.05.1979
CUBA	05.01.1978
CYPRUS	28.06.1977

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<u>States</u>	<u>Date of ratification</u>
CZECHOSLOVAKIA	06.03.1979
DENMARK	05.06.1981
ECUADOR	26.10.1977
EGYPT	25.03.1982
FINLAND	14.09.1977
FRANCE	10.09.1984
GERMANY	29.12.1980
GREECE	17.10.1989
GUINEA	05.06.1978
GUYANA	10.01.1983
HUNGARY	17.06.1976
IRAQ	26.07.1978
IRELAND	22.06.1979
ISRAEL	21.06.1979
ITALY	18.10.1979
JAPAN	10.06.1986
JORDAN	23.07.1979
KENYA	09.04.1979
MEXICO	28.06.1978
NETHERLANDS	19.06.1979
NICARAGUA	04.11.1977
NORWAY	24.11.1976
POLAND	10.10.1979
PORTUGAL	09.01.1981
SAN MARINO	23.05.1985
SPAIN	16.05.1977
SWEDEN	19.07.1976
SWITZERLAND	23.05.1977
TANZANIA, UNITED REPUBLIC OF	30.05.1983
TUNISIA	23.02.1989
UKRAINIAN SSR	03.05.1979
USSR	03.05.1979
UNITED KINGDOM	15.02.1977
VENEZUELA	08.10.1984
YUGOSLAVIA	06.12.1983
<u>Non-metropolitan territories</u>	<u>Date of declaration</u>
- <u>Applicable without modifications</u>	
ARUBA (NETHERLANDS)	06.08.1986
FRENCH GUIANA (FRANCE)	09.05.1986
FRENCH POLYNESIA (FRANCE)	09.05.1986
GUADELOUPE (FRANCE)	09.05.1986
GUERNSEY (UNITED KINGDOM)	20.02.1979
MARTINIQUE (FRANCE)	09.05.1986
NEW CALEDONIA (FRANCE)	09.05.1986
REUNION (FRANCE)	09.05.1986
ST. PIERRE AND MIQUELON (FRANCE)	09.05.1986
- <u>Applicable with modifications</u>	
GIBRALTAR (UNITED KINGDOM)	05.12.1977
HONG KONG (UNITED KINGDOM)	05.03.1979

APPENDIX III

INFORMATION AVAILABLE
UNDER ARTICLES 19 AND 22 OF THE CONSTITUTION

Member States	Conventions No. 140		No. 142		Recommendations No. 148 No. 150	
	Rat.	Art. 19	Rat.	Art. 19	Art. 19	
AFGHANISTAN	R	-	R	-	-	-
ALGERIA		-	R	-	-	-
ANGOLA		-		-	-	-
ANTIGUA AND BARBUDA		-		-	-	-
ARGENTINA		X	R	-	X	X
AUSTRALIA		X	R	-	X	X
AUSTRIA		X	R	-	X	X
BAHAMAS		X		X	X	X
BAHRAIN		-		-	-	-
BANGLADESH		X		X	X	X
BARBADOS		-		-	-	-
BELGIUM		X		X	X	X
BELIZE		X		X	X	X
BENIN		X		X	X	X
BOLIVIA		X		X	X	X
BOTSWANA		X		X	X	X
BRAZIL		X	R	-	X	X
BULGARIA		X		X	X	X
BURKINA FASO		-		-	-	-
BURUNDI		-		-	-	-
BYELORUSSIAN SSR		X	R	-	X	X
CAMBODIA		-		-	-	-
CAMEROON		X		X	X	X
CANADA		X		X	X	X
CAPE VERDE		-		-	-	-
CENTRAL AFRICAN REPUBLIC		-		-	-	-
CHAD		X		X	X	X
CHILE		X		X	X	X
CHINA		X		X	X	X
COLOMBIA		-		X	-	X
COMOROS		-		-	-	-
CONGO		-		-	-	-
COSTA RICA		-		-	-	-
COTE D'IVOIRE		X		X	X	X
CUBA	R	-	R	-	X	X
CYPRUS		X	R	-	X	X
CZECHOSLOVAKIA	R	-	R	-	X	X

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Member States	Conventions		No. 142		Recommendations	
	No. 140				No. 148	No. 150
	Rat.	Art. 19	Rat.	Art. 19	Art. 19	
DENMARK		X	R	-	X	-
DJIBOUTI		-		-	-	-
DOMINICA		-		-	-	-
DOMINICAN REPUBLIC		X		X	X	X
ECUADOR		-	R	-	-	-
EGYPT		X	R	-	X	X
EL SALVADOR		-		-	-	-
EQUATORIAL GUINEA		X		X	X	X
ETHIOPIA		X		X	X	X
FIJI		-		-	-	-
FINLAND		X	R	-	X	X
FRANCE	R	-	R	-	X	X
GABON		X		X	X	X
GERMANY	R	-	R	-	X	X
GHANA		-		-	-	-
GREECE		X	R	-	X	X
GRENADA		-		-	-	-
GUATEMALA		X		X	-	-
GUINEA	R	-	R	-	-	-
GUINEA-BISSAU		-		-	-	-
GUYANA	R	-	R	-	-	-
HAITI		-		-	-	-
HONDURAS		X		X	X	X
HUNGARY	R	-	R	-	X	X
ICELAND		-		-	-	-
INDIA		X		-	X	-
INDONESIA		X		X	X	X
IRAN, ISLAMIC REPUBLIC OF		-		-	-	-
IRAQ	R	-	R	-	-	-
IRELAND		X	R	-	X	X
ISRAEL		X	R	-	X	X
ITALY		-	R	-	-	-
JAMAICA		X		X	X	X
JAPAN		X	R	-	X	X
JORDAN		-	R	-	-	-
KENYA	R	-	R	-	-	-
KUWAIT		-		-	-	-
LAO PEOPLE'S DEMOCRATIC REP.		-		-	-	-
LEBANON		-		-	-	-
LESOTHO		X		X	X	X
LIBERIA		-		-	-	-

REPORT OF THE COMMITTEE OF EXPERTS

Member States	Conventions		No. 142		Recommendations	
	No. 140				No. 148	No. 150
	Rat.	Art. 19	Rat.	Art. 19	Art. 19	
LIBYAN ARAB JAMAHIRIYA		-		-	-	-
LUXEMBOURG		X		X	X	X
MADAGASCAR		-		-	-	-
MALAYSIA		X		X	X	X
MALAWI		-		-	-	-
MALI		X		X	X	X
MALTA		X		X	X	X
MAURITANIA		-		-	-	-
MAURITIUS		X		X	X	X
MEXICO	R	-	R	-	X	X
MONGOLIA		-		-	-	-
MOROCCO		X		X	X	X
MOZAMBIQUE		X		X	X	X
MYANMAR		-		-	-	-
NAMIBIA		-		-	-	-
NEPAL		-		-	-	-
NETHERLANDS	R	-	R	-	X	X
NEW ZEALAND		-		-	-	-
NICARAGUA	R	-	R	-	-	-
NIGER		-		-	-	-
NIGERIA		X		X	X	X
NORWAY		X	R	-	X	X
PAKISTAN		X		X	X	X
PANAMA		X		X	X	X
PAPUA NEW GUINEA		-		-	-	-
PARAGUAY		-		-	-	-
PERU		-		-	-	-
PHILIPPINES		X		X	X	X
POLAND	R	-	R	-	X	X
PORTUGAL		X	R	-	X	X
QATAR		X		X	X	X
ROMANIA		X		X	X	X
RWANDA		X		X	X	X
SAINT LUCIA		-		-	-	-
SAN MARINO	R	-	R	-	X	X
SAO TOME AND PRINCIPE		X		X	X	X
SAUDI ARABIA		X		X	X	X
SENEGAL		-		-	-	-
SEYCHELLES		-		-	-	-
SIERRA LEONE		-		-	-	-
SINGAPORE		X		X	X	X
SOLOMON ISLANDS		-		-	-	-
SOMALIA		-		-	-	-

APPENDICES

Member States	Conventions No. 140		No. 142		Recommendations No. 148 No. 150	
	Rat.	Art. 19	Rat.	Art. 19	Art. 19	
SPAIN	R	-	R	-	X	X
SRI LANKA		X		X	X	X
SUDAN		X		-	X	-
SURINAME		X		X	X	X
SWAZILAND		-		-	-	-
SWEDEN	R	-	R	-	X	X
SWITZERLAND		X	R	-	X	X
SYRIAN ARAB REPUBLIC		-		-	-	-
TANZANIA, UNITED REPUBLIC OF	R	-	R	-	-	-
THAILAND		-		-	-	-
TOGO		X		X	X	X
TRINIDAD AND TOBAGO		X		X	X	X
TUNISIA		X	R	-	X	X
TURKEY		X		X	X	X
UGANDA		-		-	-	-
UKRAINIAN SSR		X	R	-	X	X
USSR		X	R	-	X	X
UNITED KINGDOM	R	-	R	-	X	X
UNITED ARAB EMIRATES		X		X	X	X
UNITED STATES		X		X	X	X
URUGUAY		X		X	X	X
VENEZUELA	R	-	R	-	X	X
YEMEN REPUBLIC		-		-	-	-
YUGOSLAVIA	R	-	R	-	-	-
ZAIRE		-		-	-	-
ZAMBIA		X		X	X	X
ZIMBABWE		-		-	-	-

In addition, a total of 35 reports have been received, under article 19 of the Constitution, in respect of the following non-metropolitan territories: United Kingdom (Bermuda, British Virgin Islands, Falkland Islands (Malvinas), Gibraltar, Guernsey, Hong Kong, Isle of Man, Jersey, Monserrat, St. Helena).

R = Ratified Conventions.

X = Reports requested and received (under article 19 of the Constitution).

- = Reports requested and not received (under article 19 of the Constitution).

APPENDIX IV

ILO TECHNICAL CO-OPERATION EXPENDITURE UNDER THE TRAINING.
EMPLOYERS' ACTIVITIES AND WORKERS' EDUCATION PROGRAMMES FROM 1980 TO 1989

(in thousand dollars)

TRAINING	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Departmental management	49	60	92	305	818	574	784	940	953	1 217
Management development	11 483	12 321	10 497	7 357	6 873	8 952	11 114	11 758	13 544	13 545
Vocational training	30 496	30 043	25 373	21 596	18 428	16 951	16 300	16 642	20 064	18 445
Training policies	2 805	3 660	2 908	3 132	1 995	1 358	1 916	1 976	1 804	1 763
Vocational rehabilitation			2 182	2 425	3 005	3 016	3 739	3 686	3 986	5 240
Total	44 833	46 084	41 052	34 815	31 118	30 851	33 853	35 001	40 351	40 209
(of which ILO Regular Budget)	660	2 253	1 324	2 088	2 184	2 770	2 956	3 342	3 515	4 012
Percentage of total expenditure on technical co-operation programmes	45.1	43.25	39.84	36.77	37.32	34.16	31.83	31.18	32.26	28.03
Employers' activities	170	276	348	552	834	962	1 064	1 349	1 335	1 396
(of which ILO Regular Budget)	49	188	260	382	456	409	524	486	449	751
Workers' education	1 281	1 981	2 445	3 103	3 069	3 984	4 080	5 596	4 983	6 501
(of which ILO Regular Budget)	544	994	585	1 094	1 074	1 067	1 066	1 789	1 208	2 279

Note: The table indicates only expenditure directly or mainly related to training, excluding that on other programmes which also include training activities.

Price: 27.50 Swiss francs

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