I

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Human resources development and training”

The General Conference of the International Labour Conference,
Having adopted the report of the Committee appointed to consider the fourth item on the agenda,
Having, in particular, approved as general conclusions, with a view to the consultation of Governments proposals for a Recommendation concerning human resources development and training,
Decides that an item entitled “Human resources development and training” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Recommendation.

II

Resolution concerning the employment relationship

The General Conference of the International Labour Organization, meeting in its 91st Session, 2003,
Having undertaken a general discussion on the basis of Report V, The scope of the employment relationship,
1. Adopts the following conclusions;
2. Invites the Governing Body to give due consideration to them in planning future action on the employment relationship and to request the Director-General to take them into account both when implementing the Programme and Budget for the 2004-05 biennium and allocating such other resources as may be available during the 2004-05 biennium.

Conclusions concerning the employment relationship

1. The protection of workers is at the heart of the ILO’s mandate. Within the framework of the Decent Work Agenda, all workers, regardless of employment status, should work in conditions of decency and dignity. There are rights and entitlements which exist under laws, regulations and collective agreements and which are specific to or linked to workers who work within the scope of an employment relationship. The term employee is a legal term which refers to a person who is a party to a certain kind of legal relationship which is normally called an employment relationship. The term worker is a broader term that can be applied to any worker, regardless of whether or not she or he is an employee. Employer is used to refer to the natural or legal person for whom an employee performs work or provides services within an employment relationship. The employment relationship is a notion which creates a legal link between a person, called the “employee”, with another person, called the “employer”, to whom she or he provides labour or services under certain conditions in return for remuneration. Self-employment and independent work based on commercial and civil contractual arrangements are by definition beyond the scope of the employment relationship.

1 Adopted on 18 June 2003.
Among other things, employment or labour law seeks to address what can be an unequal bargaining position between parties to an employment relationship. The concept of the employment relationship is common to all legal systems and traditions, but the obligations, rights and entitlements associated with it vary from country to country. Similarly, the criteria for determining whether or not an employment relationship exists can vary even though in many countries common notions such as dependency or subordination are found. Regardless of the criteria used, there is a shared concern among governments, employers and workers to ensure that the criteria used are sufficiently clear so that the scope of application of various laws and regulations can be more easily determined, and that they cover those who are meant to be covered, i.e. those who are in employment relationships.

Changes in the structure of the labour market and in the organization of work are leading to changing patterns of work both within and outside the framework of the employment relationship. In some situations, it may be unclear whether the worker is an employee or genuinely self-employed.

One of the consequences associated with changes in the structure of the labour market, the organization of work and the deficient application of the law is the growing phenomenon of workers who are in fact employees but find themselves without the protection of an employment relationship. This form of false self-employment is more common in less formalized economies. However, many countries with well-structured labour markets also experience an increase in this phenomenon. Some of these developments are new; some have existed for many decades.

It is in the interest of all the labour market actors to ensure that the wide variety of arrangements under which work is performed or services are provided by a worker can be put within an appropriate legal framework. Clear rules are indispensable for fair governance of the labour market. This task is difficult in many countries because of one or a combination of the following factors:

- the law is unclear, too narrow in scope or otherwise inadequate;
- the employment relationship is disguised under the form of a civil or a commercial arrangement;
- the employment relationship is ambiguous;
- the worker is in fact an employee, but it is not clear who the employer is, what rights the worker has, and against whom those rights can be enforced;
- lack of compliance and enforcement.

It is agreed that clarity and predictability in the law are in the interests of all concerned. Employers and workers should know their status and, consequently, their respective rights and obligations under the law. To this end, laws should be drafted in such a way that they are adapted to the national context and provide adequate security and flexibility to address the realities of the labour market and to provide benefits to the labour market. While laws can never fully anticipate every situation arising in the labour market, it is nonetheless important that legal loopholes are not created or allowed to persist. Laws and their interpretation should be compatible with the objectives of decent work, namely to improve the quantity and quality of employment, should be flexible enough not to impede innovative forms of decent employment, and promote such employment and growth. Social dialogue with tripartite participation is a key means to ensuring that legislative reform leads to clarity and predictability and is sufficiently flexible.

Disguised employment occurs when the employer treats a person who is an employee as other than an employee so as to hide his or her true legal status. This can occur through the inappropriate use of civil or commercial arrangements. It is detrimental to the interests of workers and employers and an abuse that is inimical to decent work and should not be tolerated. False self-employment, false subcontracting, the establishment of pseudo-cooperatives, false provision of services and false company restructuring are amongst the most frequent means that are used to disguise the employment relationship. The effect
of such practices can be to deny labour protection to the worker and to avoid costs that may include taxes and social security contributions. There is evidence that it is more common in certain areas of economic activity but governments, employers and workers should take active steps to guard against such practices anywhere they occur.

8. An ambiguous employment relationship exists whenever work is performed or services are provided under conditions that give rise to an actual and genuine doubt about the existence of an employment relationship. In an increasing number of cases, it is very difficult to distinguish between dependent and independent work, even where there is no intent to disguise the employment relationship. In this respect, it is acknowledged that in many areas the distinction between employees and independent workers has become blurred. One of the characteristics of some new forms of work is the autonomy or greater independence of employees.

9. In the case of so-called triangular employment relationships where the work or services of the worker are provided to a third party (the user), these need to be examined in so far as they may result in a lack of protection to the detriment of the employee. In such cases, the major issues at stake consist of determining who the employer is, what rights the worker has and who is responsible for them. Therefore, mechanisms are needed to clarify the relationship between the various parties in order to allocate responsibilities between them. It should be noted in this respect that a particular form of triangular employment relationship relating to the provision of work or services through temporary work agencies has already been addressed by the Private Employment Agencies Convention, 1997 (No. 181), and its accompanying Recommendation (No. 188).

10. Respect for the law is a fundamental principle and there should be a strong political commitment from the State to ensure compliance with the law, supporting all mechanisms that facilitate this, also involving the social partners where appropriate. Cooperation should be promoted between the different government enforcement agencies, particularly the labour inspectorate, the social security administration and the tax authorities, and there may also be a role for greater coordination with the police and the customs services. This would enable the pooling and more efficient use of resources and data to combat abuses arising out of disguised employment arrangements. Labour administrations and their services have a crucial role to play in monitoring the application of the law, collecting reliable data on labour market trends and changing work and employment patterns, and combating disguised employment relationships.

11. It should be acknowledged that many countries have reliable enforcement mechanisms and institutions while many others have not. Poor enforcement and lack of compliance with the law can be significant factors which explain why many workers lack protection. The effective implementation and enforcement of rights associated with employment in many countries is weak because of under-resourcing, lack of training and inadequate legal frameworks. The Labour Inspection Convention, 1947 (No. 81), provides that a system of labour inspection should secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work. It is also recalled that under this Convention, inspection staff are to be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

12. The problem of enforcement is not limited to the question of resources; it is also essential that labour administration staff, and particularly the labour inspectorate, where applicable, receive appropriate training. Such training should include a good knowledge of the relevant laws and regulations, including court decisions, relating to how to determine the existence of an employment relationship. Training materials, which could include guidelines elaborated by the social partners, could greatly help to enhance the skills of the staff and their capacity to tackle effectively the problems associated with disguised and
ambiguous relationships. In addition, exchange of experiences and working methods in different countries could be achieved through detachments of professional staff, particularly between the labour administrations and the labour inspectorates, where applicable, of developed and developing countries.

13. Labour administrations, in line with the role envisaged for them under the Labour Administration Convention, 1978 (No. 150), may also play an important role at the earlier stages of the formulation of laws and regulations aimed at addressing the problems relating to the scope of the employment relationship. It is highly desirable that both employers’ and workers’ organizations be closely associated with the rule-making process and machinery so that the elaboration of draft laws and regulations can benefit from the knowledge and experience of the key labour market actors. While laws and regulations should be sufficiently clear and precise leading to predictable outcomes, they should avoid creating rigidities and interfering with genuine commercial or genuine independent contracting arrangements.

14. Dispute resolution machinery and/or administrative procedures for determining the status of workers is an important service which should be provided by the appropriate agency. Depending upon the national industrial relations systems, such machinery may be tripartite or bipartite. It could have general competence or it may be limited to specified sectors of the economy. It is essential that employers and workers have easy access to fair, speedy and transparent mechanisms and procedures to resolve disputes about employment status.

15. There is evidence that the lack of labour protection of dependent workers exacerbates gender inequalities in the labour market. Data worldwide confirm increased participation by women in the workforce, particularly in the informal economy where there is a high prevalence of ambiguous or disguised employment relationships. The gender dimension of the problem is reinforced because women workers predominate in certain occupations and sectors where the proportion of disguised and ambiguous employment relationships is relatively high such as domestic work, the textile and clothing industry, sales/supermarket jobs, nursing and care professions and home work. Exclusions or restrictions in relation to certain rights, for example in some export processing zones, clearly disproportionately impact on women.

16. There is a need to have clearer policies on gender equality and better enforcement of the relevant laws and agreements at national level so that the gender dimension of the problem can be effectively addressed. At the international level, the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), clearly apply to all workers and the Maternity Protection Convention, 2000 (No. 183), specifies that it “applies to all employed women, including those in atypical forms of dependent work”.

17. To better assess and address the various issues relating to the scope of the employment relationship, governments should be encouraged to develop a national policy framework in consultation with their social partners. As stated in the common statement adopted by the Meeting of Experts on Workers in Situations Needing Protection (Geneva, May 2000), such a policy might include but not be limited to the following elements:

- providing workers and employers with clear guidance concerning employment relationships, in particular the distinction between dependent workers and self-employed persons;
- providing effective appropriate protection for workers;
- combating disguised employment which has the effect of depriving dependent workers of proper legal protection;
- not interfering with genuine commercial or genuine independent contracting;
- providing access to appropriate resolution mechanisms to determine the status of workers.
18. Collection of statistical data and undertaking research and periodic reviews of changes in the structure and patterns of work at national and sectoral levels should be part of this national policy framework. The methodology for the collection of data and for undertaking the research and reviews should be determined after a process of social dialogue. All data collected should be disaggregated according to sex, and the national and sectoral level research and reviews should explicitly incorporate the gender dimension of this question and should take into account other aspects of diversity.

19. National labour administrations and their associated services should regularly monitor their enforcement programmes and processes. This should include identifying those sectors and occupational groups with high levels of disguised employment and adopting a strategic approach to enforcement. Special attention should be paid to those occupations and sectors with a high proportion of women workers. Innovative programmes of information and education and outreach strategies and services should be developed. The social partners should be involved in developing and implementing these initiatives.

ROLE OF THE ILO

20. The ILO has a significant role to play in this area, and the capacity of the Office to gather comparative data and to undertake comparative research is widely recognized. This work helps all ILO constituents better to understand and assess this phenomenon. The ILO should expand its knowledge base, and use such to promote good practice. This could include:

- commissioning regular country studies to capture ongoing labour law reforms in the area of the scope of the employment relationship;
- comparative analysis of the information and studies already completed, to identify trends, and new policy developments;
- producing publications on specific aspects of the subject, such as to include both the description of the phenomenon across national boundaries, as well as to examine the policy responses that have been developed;
- undertaking studies on regional, sectoral and gender dimensions on the subject;
- doing work on the development of usable, comparative data, and data categories;
- hosting meetings at regional and subregional levels to share experiences, disseminate the results of country studies, and build the capacity and knowledge of the ILO constituents;
- convening meetings of experts to consider specific aspects of the subject, as appropriate;
- place related topics as a subject matter for consideration by sectoral meetings.

The ILO should allocate resources for a programme of technical cooperation, assistance and guidance to member States on the scope and application of the employment relationship, to address:

- the scope of the law;
- general aspects of the employment relationship;
- access to courts;
- policy guidelines and capacity building to strengthen administrative and judicial action to promote compliance.

In addressing this subject, the ILO should recall the conclusions of the Committee on the Informal Economy, especially those concerning the importance of governance and the legal and institutional framework.

21. As compliance and enforcement are critical aspects of this question, the Office should strengthen its assistance to national labour administrations, and in particular to labour inspectorates. It should review its internal organizational arrangements in relation to labour administration and labour inspection, where
applicable, in order to ensure that the Office provides a more coherent and efficient service to constituents in this area.

22. In most countries, courts and tribunals play a key role in the adjudication and resolution of disputes concerning the employment status of workers. It is highly desirable that judges, mediators and other designated officials dealing with these disputes receive adequate training on this issue, including on international labour standards, comparative law and case law. The Office should be encouraged to further strengthen its programme of collaboration and cooperation with the designated officials and judges of the relevant bodies and courts.

23. It is acknowledged that a substantial number of innovative measures have been introduced in many countries to address the problems relating to the determination of the employment status of workers. Member States, with the cooperation of the social partners, should engage in the search for appropriate and viable solutions to these problems. Each State should undertake an in-depth review to identify shortcomings in order to explore appropriate and balanced solutions that take different interests into account. Some measures have taken the form of new laws or the revision of existing laws, while others have emerged through case law. Measures that have been adopted by countries include:

- the law defines the employment relationship;
- the law establishes a legal presumption of employment if work is performed or services are provided in specified circumstances, unless it is shown that the parties had not intended to enter into an employment relationship;
- criteria for identifying the employment relationship are set out in law, case law or a code of practice developed by or with the social partners.

Other measures that have been used have provided for a competent authority to declare that an employment relationship exists. All such innovative measures warrant careful consideration. Bipartite and tripartite efforts, for example in the form of guidelines, voluntary codes and dispute resolution mechanisms and procedures, have also contributed at national level to addressing these problems. All measures should be pursued with technical advice from the ILO, as appropriate.

24. The ILO should step up its dialogue with other international institutions, including the international financial institutions, whose policies could impact on the employment relationship.

25. The ILO should envisage the adoption of an international response on this topic. A Recommendation is considered by the Committee as an appropriate response. This Recommendation should focus on disguised employment relationships and on the need for mechanisms to ensure that persons with an employment relationship have access to the protection they are due at the national level. Such a Recommendation should provide guidance to member States without defining universally the substance of the employment relationship. The Recommendation should be flexible enough to take account of different economic, social, legal and industrial relations traditions and address the gender dimension. Such a Recommendation should not interfere with genuine commercial and independent contracting arrangements. It should promote collective bargaining and social dialogue as a means of finding solutions to the problem at national level and should take into account recent developments in employment relationships and these conclusions. The Governing Body of the ILO is therefore requested to place this item on the agenda of a future session of the International Labour Conference. The issue of triangular employment relationships was not resolved.
Resolution concerning occupational safety and health

The General Conference of the International Labour Organization, meeting at its 91st Session, 2003,

Having undertaken a general discussion based on an integrated approach on the basis of Report VI, *ILO standards-related activities in the area of occupational safety and health*;

1. Adopts the following conclusions;
2. With a view to increasing the impact, coherence and relevance of ILO standards-related activities in the area of occupational safety and health (OSH), invites the Governing Body of the International Labour Office:
   (a) to give due consideration to these conclusions in planning future ILO standards-related activities in the area of OSH, noting that the opportunity exists for placing an item relating to OSH on the agenda of the 93rd Session (2005) of the International Labour Conference if agreed by the Governing Body in November 2003;
   (b) to request the Director-General to give them priority when implementing the present and the 2004-05 programmes, when allocating such resources as may be available during the 2004-05 biennium and when preparing future strategic plans and programmes and budgets, in particular for the 2006-07 biennium.

Conclusions concerning ILO standards-related activities in the area of occupational safety and health – A global strategy

1. The magnitude of the global impact of occupational accidents and diseases, as well as major industrial disasters, in terms of human suffering and related economic costs, have been a long-standing source of concern at workplace, national and international levels. Significant efforts have been made at all levels to come to terms with this problem, but nevertheless ILO estimates are that over 2 million workers die each year from work-related accidents and diseases, and that globally this figure is on the increase. OSH has been a central issue for the ILO ever since its creation in 1919 and continues to be a fundamental requirement for achieving the objectives of the Decent Work Agenda.

2. In addition to established measures to prevent and control hazards and risks, new strategies and solutions need to be developed and applied both for well-known hazards and risks such as those arising from dangerous substances, machinery and tools and manual handling as well as for emerging issues, such as biological hazards, psychosocial hazards and musculo-skeletal disorders. Furthermore, as OSH is an intrinsic part of social relations it is affected by the same forces of change that prevail in national and global socio-economic contexts. The effects of demographic factors and dynamics, employment shifts and work organization changes, gender differentiation, the size, structure and life cycles of enterprises, the fast pace of technological progress, are examples of the key issues that can generate new types of patterns of hazards, exposures and risks. The development of an appropriate response to these issues should rely on and make use of the collective body of knowledge, experience and good practice in this area. Safety and health measures are undertaken to create and sustain a safe and healthy working environment; furthermore, such measures can also improve quality, productivity and competitiveness.

3. Although effective legal and technical tools, methodologies and measures to prevent occupational accidents and diseases exist, there is a need for an increased general awareness of the importance of OSH as well as a high level of political commitment for effective implementation of national OSH systems.

1 Adopted on 18 June 2003.
Efforts to tackle OSH problems, whether at international or national levels, are often dispersed and fragmented and as a result do not have the level of coherence necessary to produce effective impact. There is thus a need to give higher priority to OSH at international, national and enterprise levels and to engage all social partners to initiate and sustain mechanisms for a continued improvement of national OSH systems. Given its tripartite participation and recognized global mandate in the area of OSH, the ILO is particularly well equipped to make a real impact in the world of work through such a strategy.

4. The fundamental pillars of a global OSH strategy include the building and maintenance of a national preventative safety and health culture and the introduction of a systems approach to OSH management. A national preventative safety and health culture is one in which the right to a safe and healthy working environment is respected at all levels, where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority. Building and maintaining a preventative safety and health culture require making use of all available means to increase general awareness, knowledge and understanding of the concepts of hazards and risks and how they may be prevented or controlled. A systems approach to OSH management at the enterprise level has recently been developed in the ILO Guidelines on Occupational Safety and Health Management Systems (ILO-OSH 2001). Building on this concept and related methodology, the global OSH strategy advocates the application of a systems approach to the management of national OSH systems.

AN ILO ACTION PLAN FOR THE PROMOTION OF SAFETY AND HEALTH AT WORK

1. Promotion, awareness raising and advocacy

5. The fostering and promotion of a preventative safety and health culture is a fundamental basis for improving OSH performance in the long term. Multiple approaches could be taken for this purpose. Since the promotion of such a preventative culture is very much a leadership issue, the ILO has to play an advocacy role with regard to different initiatives. Therefore the ILO should:

- endorse the establishment of an annual international event or campaign (world day or a safety and health week) aimed at raising widespread awareness of the importance of OSH and promoting the rights of workers to a safe and healthy working environment. Such an initiative should respect the workers’ commemoration event organized since 1984 on 28 April;
- seek ways to raise visibility of the ILO and its OSH instruments;
- launch a global knowledge and awareness campaign focused on promoting the concept of “sound management of safety and health at work” as the most effective means for achieving strong and sustained preventative safety and health culture at both the national and enterprise levels;
- strategically use international meetings to promote a preventative safety and health culture including the triennial World Congress on Occupational Safety and Health organized jointly by the ILO and the International Social Security Association;
- internally implement its own guidelines on OSH management systems;
- encourage the launching of national OSH programmes by the highest government authorities.
II. ILO instruments

6. A new instrument establishing a promotional framework in the area of OSH should be developed on a priority basis. The main purpose of this instrument should be to ensure that a priority is given to OSH in national agendas and to foster political commitments to develop, in a tripartite context, national strategies for the improvement of OSH based on a preventative safety and health culture and the management systems approach. In its function as an overarching instrument with a promotional rather than prescriptive content, it would also contribute to increasing the impact of existing up-to-date ILO instruments and to a continuous improvement of national OSH systems including legislation, supporting measures and enforcement. Such a practical and constructive instrument should promote, inter alia, the right of workers to a safe and healthy working environment; the respective responsibilities of governments, employers and workers; the establishment of tripartite consultation mechanisms on OSH; the formulation and implementation of national OSH programmes based on the principles of assessment and management of hazards and risks at the workplace level; initiatives fostering a preventative safety and health culture; and worker participation and representation at all relevant levels. It should strive to avoid duplication of provisions which are in existing instruments. In order to enable an exchange of experience and good practice on OSH in this respect, the instrument should include a mechanism for reporting on achievements and progress.

7. As regards revisions, priority should be given to the revision of the Guarding of Machinery Convention, 1963 (No. 119), and the Guarding of Machinery Recommendation, 1963 (No. 118), and the revision of the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), the White Phosphorus Recommendation, 1919 (No. 6), the White Lead (Painting) Convention, 1921 (No. 13), the Benzene Convention, 1971 (No. 136), and the Benzene Recommendation, 1971 (No. 144), in a consolidated manner by a Protocol to the Chemicals Convention, 1990 (No. 170).

8. With a view to increasing the relevance of ILO instruments, the development of new instruments in the areas of ergonomics and biological hazards should be given the highest priority. Priority should also be given to the development of a new instrument on the guarding of machinery in the form of a code of practice. Consideration should also be given to work-related psychosocial hazards for further ILO activities.

9. Occupational safety and health is an area which is in constant technical evolution. High-level instruments to be developed should therefore focus on key principles. Requirements that are more subject to obsolescence should be addressed through detailed guidance in the form of codes of practice and technical guidelines. The ILO should develop a methodology for a systematic updating of such codes and guidelines.

III. Technical assistance and cooperation

10. It is important to provide technical advisory and financial support to developing countries and countries in transition for the timely strengthening of their national OSH capacities and programmes. This is of particular importance in the context of rapid changes in global economy and technology. In developing technical cooperation programmes, priority should be given to the countries where the assistance is most needed and where the commitment for sustained action is obvious, for example in the form of initiated national OSH programmes. The formulation and implementation of technical cooperation projects, beginning with a needs assessment at the national, regional and international levels, are the effective ways in this regard. Where possible, these projects should have a multiplier effect at the regional level and be self-sustaining in the long term. Together with its constituents, the ILO should make special efforts to seek the support of donor countries and institutions as well as innovative funding sources for such purposes along with increasing OSH experts
in the regions. Experiences gained through technical cooperation projects should be widely shared, particularly at the regional level.

11. The formulation of national OSH programmes, which has been promoted by the ILO in recent years, is an effective way to consolidate national tripartite efforts in improving national OSH systems. The endorsement and launching of a national OSH programme by the highest government authority, for example by the Head of State, government or parliament, would have a significant impact on strengthening national OSH capacities and mobilization of national and international resources. It is essential to ensure the active participation of employers, workers and all relevant government institutions in the formulation and implementation of the programme. The programme should be developed on the basis of the achievements and needs of each country aiming at the improvement of national OSH systems and their capacity and OSH performance.

12. National OSH programmes should cover key aspects such as national policy, high-level commitment and vision that are publicly expressed and documented, national strategy that would include the development of a national OSH profile, targets, indicators, responsibilities, resources, and government leadership. Such programmes would strengthen national government departments and their OSH inspection and enforcement systems, OSH service structures, employers' and workers' organizations focused on OSH, information centres and networks, cross-cutting education and training systems, research and analytic structures, occupational injury and disease compensation and rehabilitation systems that include experience rating and incentives, voluntary and tripartite programmes and structures, as well as advocacy and promotion.

13. In developing methodologies to assist in the establishment and implementation of national OSH programmes, consideration should be given to the elaboration of appropriate and practical input, process and output indicators designed to provide a tool for the evaluation of progress by constituents, as well as a basis for periodic review and identification of future priorities for action in the prevention of occupational accidents and diseases.

14. The capacities and expertise of ILO field structures in the area of OSH should be strengthened to better address the needs of constituents in this area. The means of communication between ILO headquarters and its field offices should be streamlined and improved to ensure that available country data can be analysed and used effectively for planning and developing projects.

IV. Knowledge development, management and dissemination

15. In the field of OSH, adequate capacities to develop, process and disseminate knowledge that meets the needs of governments, employers and workers - be it international standards, national legislation, technical guidance, methodologies, accident and disease statistics, best practice, educational and training tools, research or hazard and risk assessment data, in whatever medium, language and format needed - are a prerequisite for identifying key priorities, developing coherent and relevant strategies, and implementing national OSH programmes. The ILO should continue to improve its means to assist constituents in developing their capacities in this area, and responding to their specific needs, particularly in the establishment or strengthening of the national and collaborating centres of the ILO's International Occupational Safety and Health Centre (CIS) and linking these centres through the Internet to form regional networks and a global OSH information exchange system that could also serve as the backbone for a global hazard alert system.

16. The ILO should foster research on particular priority subjects in the area of OSH, preferably in collaboration with other interested organizations, as a basis for decision-making and action.

17. Free access to ILO OSH information to all who need it should be granted through all available dissemination means and networks such as CD-ROM and the Internet. Assistance to constituents in the translation of key OSH
documents and materials in local languages is vital. The ILO should collaborate with other interested organizations and bodies in integrating the ILO’s information centres and networks into wider global OSH information networks designed to provide constituents with easy access to key quality and multilingual OSH information and databases, particularly in the areas of OSH legislation, technical and scientific guidance, training and education materials, and best practice. The sharing of successful experience and approaches among all those involved in safety and health is the most efficient way of facilitating the development of practical preventative measures for new and traditional problems. Access to such a body of knowledge would also facilitate the ILO’s task of identifying key trends and updating its instruments accordingly.

18. The ILO should contribute to international and national efforts aimed at developing harmonized methods for the collection and analysis of data on occupational accidents and diseases. Methodologies should also be designed to assist constituents in the techniques of information collection, analysis, processing and dissemination, and on the use of reliable information in planning, prioritizing and decision-making processes.

19. It is essential to provide education to raise awareness of OSH issues to all starting from schools and other educational and training institutions. In addition, certain groups need more advanced OSH education and training, including management, supervisors, workers and their representatives, and government officials responsible for safety and health.

20. The ILO should develop practical and easy-to-use training materials and methods focused on the “train-the-trainer” approach on key aspects of safety and health at work and improve the capacities of the ILO field structures in the area of OSH information dissemination and provision of training, and in particular those of the ILO’s training centres. The ILO should support developing countries in the establishment of relevant OSH training mechanisms to reach all workers and their representatives and employers. Training should focus on supporting preventative action and on finding practical solutions. Vulnerable workers and workers in the informal economy should be given special consideration. The ILO training package on Work Improvements in Small Enterprises (WISE) has been used in many countries resulting in concrete improvements at enterprises. WISE and other training materials should be further improved and made widely available at low cost. OSH education curricula should be developed at the appropriate level.

V. International collaboration

21. Collaboration with international organizations and bodies involved in various activities related to OSH, in particular with WHO, has proven to be a very effective way of ensuring that ILO values and views are taken into account and used as a basis for the development of technical standards and methodologies pertaining to OSH. This collaboration puts the ILO at the centre of global networks and alliances that are vital mechanisms for maintaining the currency of its technical knowledge base as well as influencing other bodies. It is also very effective in ensuring complementarities of mandates and avoidance of duplication of efforts, and opens opportunities for employer and worker experts to bring their views to bear on outcomes outside the mandate of the ILO.

22. In taking action to further improve the visibility, streamlining and impact of the ILO’s role in OSH, consideration should be given to a periodic review of activities in this context and reporting to the Governing Body of the ILO on key issues and outcomes. This type of collaboration should be further encouraged and strengthened, particularly in areas where common interests and mandates are shared between several organizations and where outcomes of activities are of benefit to the ILO’s constituents, such as the work of the ILO/WHO Joint Committee on Occupational Health, the International Programme on Chemical Safety, the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) and the International Commission on Occupational Health (ICOH). Within the context of ongoing efforts by the
United Nations Environment Programme, the Inter-governmental Forum on Chemical Safety and the IOMC in developing a strategic approach to integrated chemicals management, the ILO should contribute to this work and ensure the full participation of employers' and workers' organizations in this process so that their views and interests are duly taken into account. The final outcome of this process should be presented to the ILO decision-making bodies for consideration.

**GENERAL CONSIDERATIONS**

23. In developing and implementing the global strategy, the ILO should make special efforts in relation to countries with particular needs for assistance and willing to strengthen their OSH capacities. Other means that could be considered at a national level as part of strategies to improve working conditions at the enterprise level, including SMEs and informal economy undertakings, and for vulnerable workers, including young, disabled and migrant workers, and the self-employed, include: extending coverage of legal requirements, strengthening the capacities of enforcement and inspection systems, and focusing these capacities towards the provision of technical advice and assistance in the area of OSH; the use of financial incentives; initiatives to strengthen linkages between primary health-care systems and occupational health; the introduction of hazard, risk and prevention concepts in school curricula and educational systems in general (prevention through education) as an effective means to build strong and sustained preventative safety and health cultures on a continuous basis. A further consideration is the need to take account of gender specific factors in the context of OSH standards, other instruments, management systems and practice. Within the Office, the mainstreaming of OSH in other ILO activities should be improved. Furthermore, the integrated approach should be progressively applied to all other areas of ILO activities. Finally, due consideration should be given to the provision of adequate resources to implement this action plan.

**IV**

**Resolution concerning decent work for seafarers**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-first Session on 3 June 2003,

Mindful also of the core mandate of the Organization, which is to promote decent conditions of work,

Being aware that shipping is the motor of the globalized economy and carries around 90 per cent of world trade in terms of tonnage and that the shipping industry and the smooth transportation of goods are essential to world trade,

Being aware also that ships are crewed by suitably trained seafarers who have a crucial role in achieving safe, secure and efficient shipping on clean oceans and that it is fundamental to the sustainable operation of this strategic sector that it is able to continue to attract an adequate number of new entrants,

Being aware further that the facilitation of shore leave and uninhibited transit to and from their ships are essential components of a seafarer's professional life and that many seafarers are facing severe difficulties in obtaining these important entitlements,

Noting that the provisions of the Convention on Facilitation of International Maritime Traffic, 1965, as amended, have, inter alia, established a general right for foreign crew members to be entitled to shore leave while the ship on which they arrived is in port, provided that the formalities on arrival of the ship have

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1 Adopted on 18 June 2003.
been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety or public order, and that standard 3.45 of the Convention provides that seafarers shall not be required to hold a visa for the purpose of shore leave,

Noting also that United Nations General Assembly Resolution A/RES/57/219 (Protection of human rights and fundamental freedoms while countering terrorism) affirmed that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Noting further the generally accepted principles of international human rights applicable to all, including seafarers,

Considering that, given the global nature of the shipping industry, seafarers need special protection and facilitation,

Being aware that seafarers work and live on ships involved in international trade and that access to shore facilities, shore leave and facilitation of transit are vital elements of seafarers' general well-being and, therefore, to the realization of decent work for seafarers;

1. Urges member States to take the human element, the need to afford special protection and facilitation to seafarers and the critical importance of shore leave into account when implementing maritime security measures,

2. Requests the Director-General to take all possible measures to promote decent work for seafarers, including access to shore leave and facilitation of transit, and

3. Calls upon the Governing Body to remain seized of this matter.

V

Resolution concerning technical cooperation relating to seafarers' identity documents 1

1 Adopted on 18 June 2003.

The General Conference of the International Labour Organization,

Having adopted the Seafarers' Identity Documents Convention (Revised),

Noting that the success of the Convention will depend upon the availability in each ratifying Member of the necessary technology, expertise and material resources for the preparation and verification of the new, secure seafarers' identity document, established by the Convention, and for the related database and issuance processes;

1. Urges Members to agree among themselves on measures of cooperation which would:

(a) enable them to share their technology, expertise and resources, where appropriate,

(b) provide for countries with advanced technology and processes to assist Members that are less advanced in those areas,

2. Invites the Governing Body to request the Director-General to give due priority, in the use of resources allocated to the Organization's technical cooperation programme, to assisting countries with respect to the said technology, expertise and processes.
VI

Resolution concerning the development of the global interoperable biometric

The General Conference of the International Labour Organization,
Having adopted the Seafarers' Identity Documents Convention (Revised), 2003,
Noting that certain essential questions relating to the biometric to be used in the seafarers' identity document established by the Convention have been left for further consideration,
Noting the work being undertaken in the International Civil Aviation Organization on the development of biometric standards for passports and international travel documents,
Noting further the “Memorandum of Understanding” between the International Civil Aviation Organization and the International Labour Organization dated 19 October 1953,
Considering the importance in this context of the need, stressed in Annex I of the Convention, for guidelines to be developed by the International Labour Organization on standards of the technology to be used which will facilitate the use of a common international standard;
Invites the Governing Body to request the Director-General to take urgent measures for the development by the appropriate institutions of a global interoperable standard for the biometric template adopted in the framework of the Seafarers' Identity Documents Convention (Revised), 2003, particularly in cooperation with the International Civil Aviation Organization.

VII

Resolution concerning the establishment of a list of member States complying with the Seafarers' Identity Documents Convention (Revised), 2003

The General Conference of the International Labour Organization,
Having adopted the Seafarers' Identity Documents Convention (Revised) 2003,
Noting that under Article 5, paragraph 6, of that Convention the Governing Body of the International Labour Office is to make arrangements to approve a list of countries which fully meet the requirements of the Convention,
Considering that such arrangements could best consist of the establishment of a tripartite maritime body, providing advice to the Governing Body;
Requests the Governing Body to consider making arrangements for representatives of governments which have ratified the Convention as well as shipowners' and seafarers' organizations to be involved in the review of the reports submitted by Members concerning the independent evaluations of the administration of their system for the issuance of seafarers' identity documents and to provide advice to the Governing Body so that it can maintain a list of Members which fully meet the minimum requirements referred to in the Convention.

1 Adopted on 18 June 2003.
VIII
Resolution concerning the treatment of surpluses – Amendments to the Financial Regulations

The General Conference of the International Labour Organization,

Recognizing that amendments to the Financial Regulations are required to ensure that surpluses are dealt with in an appropriate manner;

Decides to make the following amendments to the Financial Regulations:

(Additions are shown in bold type; deletions are indicated by square brackets.)

Article 11

9. The Director-General shall transfer the surplus referred to in article 18.3 to a Special Programme Account, which shall be used, subject to the authorization of the Governing Body, to finance high-priority activities of limited duration that were not otherwise provided for under the budget adopted by the Conference and that do not create any expectation of additional future funding.

Article 18

1. (No change.)

2. The amount of any surplus resulting from an underspending of the approved or amended budget, [Any such surplus] expressed in Swiss francs calculated at the budget rate of exchange for that financial period, shall be used to reduce the contributions of Members in the following way: Members which paid their ordinary contributions in the financial period in which this surplus accrued shall have their share of the surplus deducted from their contributions assessed for the second year of the succeeding financial period; other Members shall not be credited with their share until they have paid the contributions due from them for the financial period in which the surplus accrued. When they have done so, their share of such surplus shall be deducted from their contributions assessed for the first year of the next financial period for which a budget is adopted after such payment.

3. The amount of any surplus resulting solely from the receipt of contributions in excess of the level of the budget as adopted by the International Labour Conference or as subsequently amended by the Governing Body, net of any reimbursements to the Working Capital Fund or other borrowings, shall be transferred to the Special Programme Account as defined in article 11.9.

IX

Resolution concerning proposed gifts of land from the Government of Chile and the Government of the United Republic of Tanzania

The General Conference of the International Labour Organization,

Authorizes the Governing Body, pursuant to article 12, paragraph 1, of the Financial Regulations, to accept, if it thinks fit after a full examination of each individual proposal, the gifts of land generously offered by the Governments of Chile and the United Republic of Tanzania, for the purpose of constructing premises to house the ILO offices in Santiago and Dar es Salaam respectively.

1 Adapted on 17 June 2003.
X

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointment of Mr. James K. Hugessen (Canada) and Mr. Seydou Ba (Senegal) for a term of three years, and that of Ms. Flerida Ruth P. Romero (Philippines) for a term of office of two years;

Expresses its appreciation to Ms. Hildegard Rondón de Sansó for the services which she has rendered to the work of the Administrative Tribunal of the International Organization over the last three years.

XI

Resolution concerning the assessment of contributions of new member States

The General Conference of the International Labour Organization,

Decides, in accordance with the established practice of harmonizing the rates of assessment of ILO member States with their rates of assessment in the United Nations, that the contribution of Vanuatu to the ILO budget for the period of its membership in the Organization in 2003 be based on an annual assessment rate of 0.001 per cent.

XII

Resolution of scale of assessments of contributions to the budget for 2004

The General Conference of the International Labour Organization,

Noting the unprecedented adjustment made to the scale of assessments for 2003 by the United Nations General Assembly in December 2002, exceptionally and without wishing to establish any precedent, decides:

(a) in accordance with article 9, paragraph 2, of the Financial Regulations, to adopt the scale of assessments for the year 2004 based on the scale adopted by the United Nations General Assembly in December 2000 as set out in column 2 of the appendix to this document; and

(b) in derogation of Chapter V of the Financial Regulations, to transfer an amount equivalent to 0.008 per cent of one-half of the income budget for the biennium 2004-05 from the Working Capital Fund as a credit towards the contribution due from Afghanistan for 2004 and an amount equivalent to 0.175 per cent of one-half of the income budget for the biennium 2004-05 as a credit towards the contribution due from Argentina for 2004; and

(c) that the Working Capital Fund be reimbursed for such transfers from any excess of income over expenditure as defined in article 18.1 of the Financial Regulations.

1 Adopted on 17 June 2003.
XIII

Resolution concerning the adoption of the Programme and Budget for 2004-05 and the allocation of the budget of income among member States\(^1\)

The General Conference of the International Labour Organization,

In virtue of the Financial Regulations, adopts for the 69th financial period, ending 31 December 2005, the budget of expenditure of the International Labour Organization amounting to US$529,590,000 and the budget of income amounting to US$529,590,000, which, at the budget rate of exchange of 1.34 Swiss francs to the US dollar, amounts to 709,650,600 Swiss francs, and resolves that the budget of income, denominated in Swiss francs, shall be allocated among member States in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives.

\(^1\) Adopted on 17 June 2003 by 402 votes in favour, with 16 abstentions.
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