



Governing Body

322nd Session, Geneva, 30 October–13 November 2014

GB.322/LILS/4

Legal Issues and International Labour Standards Section
International Labour Standards and Human Rights Segment

LILS

Date: 18 September 2014

Original: English

FOURTH ITEM ON THE AGENDA

Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2016

Purpose of the document

In the present document, the Governing Body is invited to provide guidance on the theme of the General Survey that should be prepared by the Committee of Experts on the Application of Conventions and Recommendations in 2016 and discussed at the International Labour Conference in the Conference Committee on the Application of Standards in 2017, and the instruments that would be covered in this General Survey (see the draft decision in paragraph 7).

Relevant strategic objectives: All four.

Policy implications: None.

Legal implications: None.

Financial implications: None at this stage.

Follow-up action required: Implementation of Governing Body decisions.

Author unit: International Labour Standards Department (NORMES).

Related documents: Constitution of the International Labour Organisation; ILO Declaration on Social Justice for a Fair Globalization.

Introduction

1. It is recalled that the topics of the General Surveys under article 19 of the Constitution prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) have been aligned with the strategic objectives covered by the recurrent discussions under the ILO Declaration on Social Justice for a Fair Globalization, 2008 (the Social Justice Declaration), and its follow-up.
2. At its 321st Session (June 2014),¹ the Governing Body took an ad hoc decision concerning the General Survey to be prepared by the CEACR in 2015 for discussion by the Committee on the Application of Standards in 2016, dealing with the labour migration instruments,² since the decision on the next cycle of recurrent discussions under the follow-up to the Social Justice Declaration may not be taken until after the Conference consideration of the evaluation of the impact of the Social Justice Declaration at its 105th Session (2016). The situation will be the same for General Surveys to be prepared by the CEACR in 2016 and 2017. In this context, the Governing Body may wish to consider the instruments on which governments should be requested to submit reports under article 19 of the Constitution for 2016 and provide guidance to the Office on the choice of instrument, or instruments, from among the following options.

Proposed instruments for the 2016 General Survey

3. Two options are being proposed. Concerning the first option, consideration could be given to occupational safety and health instruments. Workplaces claim more than 2.3 million deaths per year, of which 350,000 are fatal accidents and close to 2 million are work-related diseases. In addition, 313 million accidents occur on the job annually; many of these resulting in extended absences from work. The human cost of this daily adversity is vast and the economic burden of poor occupational safety and health practices is estimated at 4 per cent of global gross domestic product each year. A large part of the population in many countries is engaged in hazardous activities in sectors such as mining, construction and agriculture, and the highest rates of accidents and deaths occur in the sectors covered by these instruments. The ILO has adopted 34 instruments on occupational safety and health over the years, including the following three sectoral instruments: the Safety and Health in Construction Convention, 1988 (No. 167), the Safety and Health in Mines Convention, 1995 (No. 176), and Safety and Health in Agriculture Convention, 2001 (No. 184), and their related Recommendations³. In 2006, the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and Recommendation, 2006 (No. 197), were adopted. A General Survey has not been conducted on these instruments

¹ GB.321/INS/7 and GB.321/INS/PV/Draft, para. 78.

² The Migration for Employment Convention (Revised), 1949 (No. 97), and Recommendation (Revised), 1949 (No. 86); and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and Recommendation, 1975 (No. 151).

³ The Safety and Health in Construction Recommendation, 1988 (No. 175), the Safety and Health in Mines Recommendation, 1995 (No. 183), and the Safety and Health in Agriculture Recommendation, 2001 (No. 192).

since they were adopted.⁴ Convention No. 187 provides for a promotional framework and has been ratified by 31 countries; Convention No. 167 has been ratified by 25 countries; Convention No. 176 has been ratified by 29 countries; and Convention No. 184 has been ratified by 15 countries. In view of the important and renewed focus on occupational safety and health in many countries today, a General Survey on these instruments would be timely and help focus attention on the instruments covering some of the most hazardous sectors. This review could be undertaken in the context of the overarching promotional framework of Convention No. 187 and its corresponding Recommendation. Such a General Survey could also make an important contribution to the Standards Review Mechanism, subject to any decisions the Governing Body may take in this regard.⁵

4. With respect to a second option, consideration could be given to Indigenous and Tribal Peoples Convention, 1989 (No. 169), which revised the Indigenous and Tribal Populations Convention, 1957 (No. 107). Convention No. 169 has been ratified by 22 member States, while Convention No. 107 is still in force for 17 Members. Indigenous peoples make up more than 5 per cent of the world's population, which equals some 370 million people, representing more than 5,000 distinct peoples living in more than 70 countries. The vast majority of indigenous peoples live in the developing world and are among the most disadvantaged and vulnerable, making up 15 per cent of the world's poor. The first World Conference on Indigenous Peoples took place in September 2014 in the form of a high-level meeting of the United Nations General Assembly.
5. Convention No. 169 has not yet been the subject of a General Survey. It was shortlisted among the proposals submitted to the Governing Body at its 320th Session (March 2014) and was included in the related tripartite consultations that took place in April and May 2014. In the recently published handbook for ILO tripartite constituents *Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)*, it was stressed that "Convention No. 169 is an instrument for good governance and a tool for conflict resolution and reconciliation of diverse interests". In many countries, it has been recognized that there are still considerable challenges in terms of applying Convention No. 169 in law and practice, particularly with regard to the right to consultation provided for in the Convention.
6. A General Survey on Convention No. 169 would allow for an examination of the extent to which effect has been given to its provisions and an assessment of the difficulties that prevent or delay the ratification of this Convention. The General Survey could also make a contribution to a possible follow-up on the World Conference on Indigenous Peoples.

Draft decision

7. ***Based on the guidance provided on the instrument, or instruments, for the General Survey for 2016, the Governing Body requests the Office to prepare the corresponding article 19 report form for consideration at its 323rd Session in March 2015.***

⁴ The Occupational Safety and Health Convention, 1981 (No. 155), and Recommendation, 1981 (No. 164), as well as the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, were the subject of a General Survey in 2009. The Dock Work Convention, 1973 (No. 137), and Recommendation, 1973 (No. 145), were the subject of a General Survey in 2002.

⁵ GB.322/LILS/2.