



► **Proposed Convention and Recommendation concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work**

International Labour Conference
111th Session, 2023

Report VIII

- ▶ **Proposed Convention and Recommendation concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work**

Eighth item on the agenda

Copyright © International Labour Organization 2022

First edition 2022

Publications of the International Labour Organization (ILO) enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publishing (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The ILO welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

Proposed Convention and Recommendation concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. Geneva: International Labour Office, 2022

ISBN 978-92-2-038316-2 (print)

ISBN 978-92-2-038315-5 (web PDF)

ISSN 0074-6681

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the ILO concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the ILO of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the ILO, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Information on ILO publications and digital products can be found at: www.ilo.org/publns.

▶ Contents

	Page
Introduction	5
Consequential amendments to international labour standards	5
Proposed texts	7
Draft Convention.....	7
Draft Recommendation	9
Draft resolution	10

► Introduction

1. At its 110th Session (2022), the International Labour Conference adopted a [resolution](#) amending paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998) (“the 1998 Declaration”) so as to include a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work. The resolution invited the Governing Body to take all appropriate action with a view to introducing certain amendments consequential upon the adoption of the resolution to all relevant international labour standards.
2. At its 346th Session (October–November 2022), the Governing Body decided to place on the agenda of the 111th Session (2023) of the Conference an item concerning the adoption of a Convention and a Recommendation with a view to introducing amendments to specific provisions of 15 instruments, consequential to the amendment of the 1998 Declaration.¹
3. In view of the purely formal character of the proposed instruments, the Governing Body decided that, as in the case of the Final Articles Revision Convention, 1946 (No. 80) and the Final Articles Revision Convention, 1961 (No. 116),² a succinct report should be circulated to Member States, including the proposed texts for the instruments, which should serve as a basis for the Conference discussion. The Governing Body also considered that following the precedent of Convention No. 80,³ it would be advisable to recommend that the Conference adopt a resolution calling for the prompt and widespread ratification of the proposed Convention.

Governments are requested, after having duly consulted the most representative organizations of employers and workers, to transmit their comments so that they reach the Office **no later than 31 March 2023**. Governments are encouraged, where possible, to submit their comments electronically to the Office of the Legal Adviser (jur@ilo.org).

► Consequential amendments to international labour standards

4. It is recalled that through its resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work, the Conference declared that the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) shall be considered as fundamental Conventions within the meaning of the 1998 Declaration, and decided that the 1998 and 2008 Declarations should henceforth be referred to respectively as the “ILO Declaration on

¹ GB.346/INS/3/3/Decision.

² ILO, *Proposed Convention concerning the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at Its First Thirty-Two Sessions for the Purpose of Standardising the Provisions regarding the Preparation of Reports by the Governing Body of the International Labour Office on the Working of Conventions*, Report IX, International Labour Conference, 45th Session, 1961.

³ ILO, *Record of Proceedings*, International Labour Conference, 29th Session, 1946, Appendix VI, 395.

Fundamental Principles and Rights at Work (1998), as amended in 2022”, and the “ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022”.

5. As a result, it is necessary to partially revise 15 international labour instruments – seven Conventions, one Protocol and seven Recommendations – adopted after 1998 in order to update those provisions or preambular paragraphs referring to the initial four categories of fundamental principles and rights, or to the first eight fundamental Conventions, or to the 1998 and 2008 Declarations by their original titles. This revision is of a purely technical and formal nature and seeks to maintain clarity and coherence in the body of international labour standards.
6. The 15 instruments to be partially revised are:
 - the Worst Forms of Child Labour Convention, 1999 (No. 182);
 - the Maternity Protection Convention, 2000 (No. 183);
 - the Maritime Labour Convention, 2006, as amended (MLC, 2006);
 - the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187);
 - the Work in Fishing Convention, 2007 (No. 188);
 - the Domestic Workers Convention, 2011 (No. 189);
 - the Protocol of 2014 to the Forced Labour Convention, 1930;
 - the Violence and Harassment Convention, 2019 (No. 190);
 - the Promotion of Cooperatives Recommendation, 2002 (No. 193);
 - the Human Resources Development Recommendation, 2004 (No. 195);
 - the Employment Relationship Recommendation, 2006 (No. 198);
 - the HIV and AIDS Recommendation, 2010 (No. 200);
 - the Social Protection Floors Recommendation, 2012 (No. 202);
 - the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204); and
 - the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).
7. Article 1 of the proposed Convention specifies the amendments which would be necessary to update references to the 1998 and 2008 Declarations, the categories of fundamental principles and rights at work and the list of fundamental Conventions wherever they appear in the eight instruments concerned.
8. Article 2 addresses the legal effects of the ratification of the proposed Convention. Concretely, a Member that would ratify any of the eight instruments after the entry into force of the revising Convention would be considered to have ratified that instrument in its amended version, while a Member that had previously ratified any of the eight instruments would, upon ratification of the revising Convention, continue to be bound by that instrument as modified by the revising Convention.
9. Article 3 relates to the depositary functions of the Director-General, Article 4 sets the ordinary entry into force requirement while Article 5 specifies that the entry into force of the revising Convention will close the Conventions and the Protocol to further ratification in their original version. Article 6 contains the usual provision concerning the legal effects of a possible future revision, and finally, Article 7 reproduces the standard clause on the authoritative language versions.
10. Upon the entry into force of the Convention, the Office would ensure that only the amended text of the instruments concerned appears in all ILO collections of standards, whether in printed or electronic form.

11. As regards the proposed Recommendation, the consequential amendments in draft Paragraphs 1 to 4 seek to update the references to the 1998 and 2008 Declarations, the categories of fundamental principles and rights at work and the list of fundamental Conventions wherever they appear in the instruments concerned. Draft Paragraph 5 concerns action to be taken by the Director-General with respect to the official text of the revised Recommendations. Unlike the proposed Convention, the proposed Recommendation would take effect on the day of its adoption by the Conference.
12. Finally, in keeping with the precedents of Conventions Nos 80 and 116, it is proposed not to modify the titles of the partially revised instruments.

► Proposed texts

Draft Convention

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on ... 2023, and

Recalling the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work adopted at the 110th Session (June 2022), and

Having decided to adopt certain proposals with regard to the amendment of the Worst Forms of Child Labour Convention, 1999 (No. 182), the Maternity Protection Convention, 2000 (No. 183), the Maritime Labour Convention, 2006, as amended, the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Work in Fishing Convention, 2007 (No. 188), the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190), and the Protocol of 2014 to the Forced Labour Convention, 1930, for the purpose of introducing therein certain amendments consequential upon the adoption of the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, and

Considering that these proposals must take the form of an international Convention,

adopts this ... day of ... of the year two thousand and twenty-three the following Convention, which may be cited as the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023:

Article 1

1. The words "the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022" shall be substituted for the words "the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998" or any variant contained in the Preamble of the Worst Forms of Child Labour Convention, 1999 (No. 182), the Maternity Protection Convention, 2000 (No. 183), the Maritime Labour Convention, 2006, as amended, the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Work in Fishing Convention, 2007 (No. 188), the Domestic Workers Convention, 2011 (No. 189), and the Protocol of 2014 to the Forced Labour Convention, 1930.
2. The words "the Occupational Safety and Health Convention, 1981 (No. 155)" and "the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)" shall be added in the third preambular paragraph of the Maritime Labour Convention, 2006, as amended, the fifth

preambular paragraph of the Work in Fishing Convention, 2007 (No. 188), and the twelfth preambular paragraph of the Protocol of 2014 to the Forced Labour Convention, 1930.

3. The words “a safe and healthy working environment” shall be added as a new subparagraph (e) of Article III of the Maritime Labour Convention, 2006, as amended; as a new subparagraph (e) of Article 3(2) of the Domestic Workers Convention, 2011 (No. 189); and in Article 5 of the Violence and Harassment Convention, 2019 (No. 190), after the words “employment and occupation,”.
4. The words “the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022,” shall be substituted for the words “the ILO Declaration on Social Justice for a Fair Globalization” in the Preamble of the Domestic Workers Convention, 2011 (No. 189), and the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 2

1. Any Member of the Organization which, after the date of entry into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any of the Conventions, or of the Protocol, referred to in Article 1(1) and (3) shall be considered to have ratified that Convention or the Protocol as amended by this Convention.
2. Upon ratifying this Convention, each Member of the Organization recognizes that it shall continue to be bound by the provisions of any of the Conventions or the Protocol referred to in Article 1 that it has previously ratified, as amended by this Convention.

Article 3

Two copies of this Convention shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. Of these copies, one shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of this Convention to each of the Members of the International Labour Organization.

Article 4

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.
2. Subject to paragraph 3 of this Article, this Convention shall come into force on the date on which the ratifications of two Members have been registered with the Director-General. Thereafter, this Convention shall come into force for any Member on the date on which its ratification is registered.
3. This Convention shall come into force for the Maritime Labour Convention, 2006, as amended, in accordance with Article XIV of the latter.

Article 5

The entry into force of this Convention shall close any of the Conventions, or the Protocol, referred to in Article 1 to further ratification in their non-amended version.

Article 6

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention provides otherwise:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention when the new revising Convention comes into force;
 - (b) as from the date on which the new revising Convention comes into force, this Convention shall cease to be open to ratification by Members.
2. This Convention shall in any case remain in force in its current form and with its current content for those Members that have ratified it but have not ratified the new revising Convention.

Article 7

The English, French [and Spanish ⁴] versions of the text of this Convention are equally authoritative.

Draft Recommendation

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on ... 2023, and

Recalling the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work adopted at the 110th Session (June 2022), and

Having decided to adopt certain proposals with regard to the amendment of the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195), the Employment Relationship Recommendation, 2006 (No. 198), the HIV and AIDS Recommendation, 2010 (No. 200), the Social Protection Floors Recommendation, 2012 (No. 202), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), for the purpose of introducing therein certain amendments consequential upon the adoption of the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, and

Considering that these proposals must take the form of a Recommendation,

adopts this ... day of ... of the year two thousand and twenty-three the following Recommendation, which may be cited as the Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023:

1. The words "the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022" shall be substituted for the words "the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998" or any variant contained in the Preamble of the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195), the Employment Relationship Recommendation, 2006 (No. 198), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and in Paragraph 8(1)(a) of the Promotion of Cooperatives Recommendation, 2002 (No. 193), Paragraph 35 of the HIV and AIDS Recommendation, 2010 (No. 200), and

⁴ Subject to the prior adoption by the Conference of an amendment to the standard final provision on authoritative language versions.

Paragraphs 23(a) and 41(c) of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

2. The words “the Occupational Safety and Health Convention, 1981 (No. 155)” and “the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)” shall be added in chronological order in the fifth preambular paragraph of the Promotion of Cooperatives Recommendation, 2002 (No. 193).
3. In the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204):
 - (a) the word “eight” shall be replaced by “ten” in the eighth preambular paragraph;
 - (b) the words “a safe and healthy working environment” shall be added as a new clause (e) of Paragraph 16; and
 - (c) in the Annex, the words “Occupational Safety and Health Convention, 1981 (No. 155)” and “Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)” shall be deleted from the list of instruments under the subheading “Other instruments” and shall be added under the subheading “Fundamental Conventions”.
4. The words “the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022” shall be substituted for the words “the ILO Declaration on Social Justice for a Fair Globalization, 2008,” or any variant contained in the Preamble of the Social Protection Floors Recommendation, 2012 (No. 202), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).
5. The Director-General of the International Labour Office shall have official texts prepared of the Recommendations referred to in Paragraphs 1 and 4, as amended by this Recommendation, and shall communicate certified copies of these texts to each of the Members of the Organization.

Draft resolution

The General Conference of the International Labour Organization, meeting at its 111th Session, 2023,

Recalling the decision to amend paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998) so as to include a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work;

Recalling the adoption of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023, at its 111th Session, 2023;

Considering that the prompt and widespread ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023, is desirable in order to maintain coherence in the body of international labour standards by aligning references within them to fundamental principles and rights at work with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022,

1. Calls for the prompt and widespread ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023, in particular from States parties to the Maritime Labour Convention, 2006, as amended, having regard to Article XIV;
2. Invites the Governing Body to request the Director-General to report on the state of ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023, at appropriate intervals.