



TWELFTH ITEM ON THE AGENDA

**Reports of the Committee on Legal
Issues and International Standards**

**Second report: International labour standards
and human rights**

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Appendices

- I. Report of the Working Party on Policy regarding the Revision of Standards
- II. Form for reports on the application of unratified Conventions (article 19 of the Constitution)

1. The Committee on Legal Issues and International Labour Standards (LILS Committee) met on 23 March 2001. Its Officers were as follows:

Chairperson: Mr. V. Rodríguez Cedeño (Government, Venezuela)

Employer Vice-Chairperson: Mr. D. Funes de Rioja

Worker Vice-Chairperson: Mr. J.-C. Parrot

I. Report of the Working Party on Policy regarding the Revision of Standards

2. The Committee had before it the report of the Working Party on Policy regarding the Revision of Standards.¹
3. The representative of the Government of France, Chairperson of the Working Party, recalled the items on the agenda of the meeting, which were the follow-up on the recommendations of the Working Party, on which the Office had prepared three documents,² the deferred examination of the Paid Educational Leave Convention, 1974 (No. 140) (short survey),³ the deferred examination of the Termination of Employment Convention, 1982 (No. 158) (short survey),⁴ and the deferred examination of the Paid Educational Leave Recommendation, 1974 (No. 148), and the Termination of Employment Recommendation, 1982 (No. 166).⁵ During the examination of the general document on the follow-up on its recommendations, the Working Party had discussed the preparation by the Office of country profiles summing up the situation of the countries concerned in the light of the decisions of the Governing Body in matters of policy regarding the revision of standards. The Working Party had been very enthusiastic about these country profiles and expressed the wish that they be generalized, within the limits of the resources available, with the format to be discussed at a later date. The more general question of the publication of the results of the work of the Working Party would be on the agenda of its November 2001 meeting.
4. The Working Party also had before it the updated information note on the progress of work and decisions taken concerning the revision of standards. This document summed up the decisions taken by the Governing Body, presented by category of standards. If the LILS Committee and the Governing Body approved the recommendations made to them, the Conventions could be classified as follows: 70 up-to-date Conventions, 24 Conventions to be revised, 52 outdated Conventions, 36 requests for information (including eight regarding which no final decision had been taken), 23 other Conventions, one Convention regarding which the Working Party has not reached conclusions, and five Conventions withdrawn by the Conference. The third document submitted to the Working Party for information presented the results of the work of the Joint Maritime Commission which had

¹ GB.280/LILS/5.

² GB.280/LILS/WP/PRS/1/1; GB.280/LILS/WP/PRS/1/2; and GB.280/LILS/WP/PRS/1/3.

³ GB.280/LILS/WP/PRS/2/1.

⁴ GB.280/LILS/WP/PRS/2/2.

⁵ GB.280/LILS/WP/PRS/3.

met in Geneva in January 2001. The Commission had formulated recommendations concerning five Conventions and three Recommendations on social security for seafarers, which were submitted directly to the Governing Body for approval.⁶ In addition, the Commission had proposed that a framework Convention on labour standards in the maritime sector be drafted, which could be adopted at a maritime session of the Conference in 2005. In the Working Party's view, this proposal was very important and was consistent with the work that was being done to modernize the standards system.

5. The Working Party had also re-examined two Conventions. Conclusions had been adopted with regard to Convention No. 140, on which a short survey had been carried out, and on its accompanying Recommendation, No. 148. Convention No. 158, which had been submitted for the fourth time to the Working Party, was also the subject of a short survey. However, for the first time in its history, the Working Party had not been able to reach conclusions with regard to this Convention or its accompanying Recommendation, No. 166. The speaker commended the excellent climate that had prevailed during the Working Party's meeting and thanked the spokespersons of the Employers' and Workers' groups for their cooperation, as well as the Office for the work it had accomplished.
6. The Worker members thanked the Office for their excellent work on issues which were technically very difficult. They noted that there was a broad recognition in the Working Party of the importance of preparing country profiles for as many member States as possible. These country profiles explained the specific implications of the recommendations of the Working Party for the countries concerned. They would greatly facilitate the future work of the tripartite constituents in each member State and would make it possible, not the least for countries which were not represented in the Governing Body, to fully understand what was expected of them. The Worker members noted that the Office report reflected the long discussion that had taken place on Convention No. 140 and were pleased that the Working Party had been able to reach a conclusion to promote the ratification of this important Convention. As regards Convention No. 158, they regretted that, for the first time, the Working Party had not been able to reach any conclusions on Convention No. 158, especially since this Convention concerned the important issue of minimum protection in employment. The Office report contained convincing arguments in favour of a promotion of the ratification of this Convention. The report revealed that there were no or only limited obstacles to ratification of the Convention in 68 countries and noted that the Convention struck the right balance between the interest of workers for employment security and the employers' needs for flexibility. The Worker members urged the members of the LILS Committee to read the Convention and to evaluate whether its minimum provisions on what constituted unjustified dismissals, the period of notice, the requirement for consultations with trade unions or the notification to the competent authorities were reasonable. They added that the lack of minimum protection for millions of workers was their main concern and that it should be a concern for the ILO as this Organization was responsible for labour issues. The primary protection offered to workers had to originate in the world of work and, if it failed, society had to be able to provide the social protection needed. Convention No. 158 did not prevent dismissals in general but only unjustified dismissals and contained certain minimum requirements for a decent treatment of people at work. The Worker members stressed that they would be seriously concerned if the ILO would be unable to continue to promote a minimum decent treatment in employment contracts. Every contract, including commercial ones, contained provisions on rights and obligations of the parties to the contract. Contracts concluded in the labour market did not differ in this respect and a rule-based system should also prevail at the

⁶ GB.280/5.

workplace. In conclusion, the Worker members thanked the Chairperson of the Working Party and the spokesperson of the Employers' group for the work they had accomplished.

7. The Employer members stated that the Chairperson had provided an objective picture of the results of the Working Party's meeting. As regards Convention No. 140, they recalled their group's position, which was that Article 2 of this Convention set forth the purposes of paid educational leave in extremely broad terms (training at any level; general, social or civic education; trade union education) and at the same time had very far-reaching financial implications, which constituted an obstacle to ratification. Thanks to the goodwill displayed by its members, the Working Party had managed to reach a compromise with regard to this Convention. On the other hand, the Working Party had not been able to reach conclusions concerning Convention No. 158, which was logical given the divergent views on the subject of dismissal and the protection that could be provided by the Convention or the law. The three groups aspired to the same goal: growth and employment. However, if protection against dismissal were the only solution, countries with the most flexible dismissal legislation would not also be those with the lowest unemployment rates. The Employer members were also concerned about employment, but Convention No. 158 posed technical problems which constituted obstacles to its ratification and were reflected in the document. The Employer members concluded by underscoring the harmonious climate that had prevailed during the Working Party's meeting, even if it had not always been possible to reach an agreement.
8. The representative of the Government of Germany expressed his satisfaction with the report of the Working Party and pointed out that the German legislation mentioned in the short survey on Convention No. 158 had been amended.
9. The representative of the Government of Namibia stated that Convention No. 140 should be promoted in the same way as all the other up-to-date Conventions that did not belong to the category of fundamental and priority Conventions and should not be considered as a special case. In these circumstances, he supported the points for decision in paragraph 77 of the report of the Working Party.
10. *The Committee recommends to the Governing Body that it –*
 - (a) *take note of the report of the Working Party on Policy regarding the Revision of Standards (Appendix I), and of the opinions expressed during the meeting of the Committee;*
 - (b) *approve the recommendations contained in the corresponding paragraphs of the report on which there was a consensus in the Working Party and the Committee.*

II. Standard-setting policy: Ratification and promotion of fundamental ILO Conventions

11. The Committee had before it a document⁷ on technical assistance provided by the ILO as part of the campaign for the ratification and promotion of the fundamental ILO Conventions.
12. A representative of the Director-General presented and updated the information contained in this document. In particular, he pointed out that since the publication of the document submitted to the Committee on 20 February 2001, the ILO had registered nine new ratifications of fundamental Conventions: *Colombia* had ratified the Minimum Age Convention, 1973 (No. 138); *Luxembourg*⁸ had ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Worst Forms of Child Labour Convention, 1999 (No. 182); and *Algeria*,⁹ *Bangladesh*, *Mongolia*, *Paraguay*, *Sri Lanka* and *Thailand* had ratified Convention No. 182. The Office had also received a copy of the instruments of ratification by *Equatorial Guinea* of the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Equal Remuneration Convention, 1951 (No. 100), No. 111 and No. 182. *Gabon* had requested an appointment in order to deposit the instrument of ratification of Convention No. 182 with the Director-General. The ILO had been informed that a proposal to ratify Convention No. 182 had been submitted to the Parliament of the *Islamic Republic of Iran*.
13. The Employer members welcomed the continuing success of the campaign for the ratification of the fundamental Conventions.
14. The Worker members regretted that Appendix I (*Technical assistance provided by the ILO to member States for the promotion and ratification of the ILO's fundamental Conventions*) of the document before the Committee did not make it possible to track the stages of the ratification process in each country for each of the unratified fundamental Conventions. They therefore wished to bring back the previous formula at the November 2001 session. The Worker members welcomed the progress that had been accomplished in ratifying Convention No. 182 and hoped that the Office would make the same efforts to promote ratification of the other fundamental Conventions, in particular the freedom of association Conventions, Nos. 87 and 98. Over half of the workers in the world were not officially covered by the provisions of these Conventions. They also invited the Office to step up its practice of direct contacts with governments that cited non-conformity of national legislation as an obstacle to ratification. They noted with satisfaction that the present campaign was not limited to promoting ratification of fundamental Conventions but also furthered the effective application of their provisions. In this connection, they reiterated their wish to see the ILO launch a campaign for the promotion of priority Conventions similar to that for the fundamental Conventions. Lastly, they requested additional information on assistance provided by the ILO with regard to enterprise codes of conduct and supported the initiatives taken by the Office targeting members of parliament and those involved in applying the law (magistrates, lawyers, jurists).

⁷ GB.280/LILS/6.

⁸ Luxembourg has now ratified all of the fundamental ILO Conventions.

⁹ Algeria has now ratified all of the fundamental ILO Conventions.

15. A Worker member of Sweden informed the Committee that a proposal for ratification of Convention No. 182 had been submitted to the Swedish Parliament and that ratification would, in all likelihood, ensue within the next few months.
16. A representative of the Director-General explained that the reason why Appendix I to the current document differed from the annex to the document submitted last November was that they were intended for different purposes. The table contained in the document submitted to this session of the Governing Body was intended to inform the Committee on the type of technical assistance provided to member States during the period under review (October 1999-March 2001), while that appended to the document submitted in November 2000 aimed to inform the Committee of the ratification prospects of fundamental Conventions that had not yet been ratified by the Organization's member States. He pointed out that the document that would be prepared in November 2001 on the ratification and promotion of fundamental ILO Conventions would again contain a table giving an overview of the ratification prospects of the fundamental Conventions, making it possible to track the stages in the ratification process in each country. The speaker assured the Committee that the Office maintained constant contacts with all countries, including those experiencing serious institutional difficulties. Lastly, as regards codes of conduct, he confirmed that the ILO had contributed to drafting certain codes of conduct and stated that the document for November 2001 would contain more detailed information on this subject.
17. The Committee took note of the document.

III. General status report on ILO action concerning discrimination in employment and occupation

18. The Governing Body had before it a document ¹⁰ on this subject.
19. The Employer members noted their support of the extensive activities carried out by ACT/EMP as described in paragraphs 15 and 46 of the Office paper. Referring to paragraph 55, the Employer members noted the broad scope of Conventions Nos. 107 and 169 and recommended that the Office continue to provide support to those member States that have ratified these Conventions to support the effective application of their provisions. Referring to paragraph 56 of the Office paper, the Employer members noted the creation of an internal ILO task force on indigenous and tribal peoples and hoped that both ACT/EMP and ACTRAV would be participating in the meetings of the task force and be informed of its activities.
20. The Worker members welcomed this informative document. Referring to paragraph 7 of the Office paper, they expressed their support of what they considered to be a major shift in the Office's approach to gender equality issues. They questioned the inclusion of a reference to workers with HIV/AIDS in paragraph 49 of Section V on disabled workers, suggesting that the reference should be placed in Section VI on workers with HIV/AIDS. They felt that the reference in paragraph 54 to an HIV/AIDS activity in the Caribbean could give the impression that such activities had been carried out only in that region. The Worker members considered that the Office paper could be substantially improved by the inclusion of an evaluation of the activities described, including the lessons learned and the results obtained. They also recommended that the document emphasize the links among

¹⁰ GB.280/LILS/7.

the fundamental ILO Conventions. As an example, they pointed out that paragraph 20 of the Office paper showed the important role that Conventions Nos. 87 and 98 could play in promoting gender equality through strengthening women's participation in the collective bargaining process. Reference should also be made to Convention No. 183. The Worker members commended the Office's extensive activities with regard to disabled and migrant workers and requested that the Office increase its programmes and activities assisting workers in Gaza, the West Bank and the occupied Arab territories.

- 21.** The representative of the Government of Namibia expressed support, on behalf of the African group, for the Worker members' recommendation that the Office paper contain an evaluation of the activities mentioned, and expressed the desire for additional information on the nature of the activities described and the outcomes. He expressed regret that workers in the occupied Arab territories were often exposed to inhumane conditions and to discrimination. He also expressed concern with the discrimination experienced by Africans in Europe and other areas of the world. He noted that both South Africa and Namibia had introduced affirmative action legislation aimed at improving the living and working conditions of women, disabled workers and victims of apartheid. He indicated that significant progress had been achieved in this area by both Namibia and South Africa and that the first affirmative action reports had been received from employers in both countries. Namibia's employers had responded positively to the new affirmative action legislation, which was being successfully implemented. The Government representative expressed concern at the situation of workers with HIV/AIDS, who often avoided being tested out of fear of becoming outcasts and losing their jobs. While Namibia welcomed the concept of a Code of Good Practice for workers with HIV/AIDS, his delegation believed that a voluntary code was not enough and recommended that a binding instrument be drafted which would permit supervision of its application.
- 22.** The representative of the Government of Saudi Arabia indicated that he spoke on behalf of his own Government, as well as on behalf of the governments of the United Arab Emirates, the Libyan Arab Jamahiriya, Sudan, Algeria and Yemen. Referring to Part VIII of the Office paper, he thanked the Office for carrying out missions to the occupied Arab territories to obtain information regarding the living and working conditions of workers there. Referring to paragraphs 61 through 64, he expressed concern at the information indicating that the conditions of workers in the occupied territories had worsened. He particularly noted the obstacles to equality of opportunity and treatment faced by Palestinian workers in their efforts to gain access to employment as well as the situation of workers in occupied Syrian Golan, who are subject to racist discrimination with regard to wages, working conditions, unjustified dismissal and unemployment. He also noted the wide gap between the labour force participation rates of men and women in the occupied territories and the declining rate of women's participation in trade unions. He condemned the Israeli authorities' activities in the occupied territories and appealed to them to facilitate the ILO's access to the occupied territories. In the light of these facts, he suggested that the Committee express concern and condemn the actions of the Israeli authorities, and appeal to them to facilitate access for the ILO team preparing the annual report on the situation. He requested that the Office continue to provide assistance to Palestinian workers and that the Director-General continue to send yearly delegations to gather information and report on the living and working conditions in Palestine and the other occupied territories.
- 23.** The representative of the Government of India noted that his country had a long tradition of reserving a percentage of public sector vacancies for women and ethnic minorities, noting that the National Commission on Scheduled Castes and Scheduled Tribes monitored discrimination in employment and in career advancement. Referring to paragraph 6 of the Office paper, which described the ILO project on skills development for women in India, he noted that the Indian Self-Employed Women's Association provided needs-based

services to women. He referred to paragraph 14 of the Office paper regarding the ILO-DANIDA project on integrating women members into rural workers' organizations. In this regard, he noted the amendment to the Indian Constitution which made it possible for local government administrations, or Panchayats, to set up three-tier local governments, reserving a percentage of seats for women. He recommended that the ILO continue its work to strengthen women's organizations in close cooperation with the Panchayat Raj institutions in India. Referring to paragraphs 33 to 40 on international migration, the Government representative noted the interstate migration occurring in India, involving approximately 24 million persons. He pointed out the precarious situation of these workers, who were largely illiterate, unorganized and migrating out of distress conditions, and recommended that the ILO consider establishing projects for this group of migrant workers. The Government representative noted the microfinance schemes launched by the ILO, pointing out that microfinance was a tool which had proved to be greatly effective in India and other areas of the world. His delegation believed that there was scope for expanding the ILO's activities in this area to home-based workers, migrant workers and unorganized landless workers. With regard to paragraph 41 on disabled workers, the Government representative noted that India had enacted the Persons with Disabilities (Equal Opportunities and Protection of Rights) Act of 1995, which required that 3 per cent of posts in the public sector be reserved for disabled persons.

IV. Form for reports on the application of unratified Conventions (article 19 of the Constitution)

Protection of Wages Convention, 1949 (No. 95), and Recommendation (No. 85)

24. The Committee had before it a document¹¹ containing a draft form on the Protection of Wages Convention, 1949 (No. 95), and Recommendation (No. 85), to be used as a basis for the reports to be submitted by member States in accordance with article 19 of the Constitution. A representative of the Director-General noted that, due to a technical error in the reproduction of the document, an addendum to the French version was submitted to the Committee.¹²
25. The Employer members agreed with the draft report form. On a more general line, they stressed the importance of an accurate translation of this type of document, as well as of all other working documents, and they underlined that the precision of the content of documents of a juridical nature in all three official languages of the Office was of special significance in order to allow for adequate work of the Committee.
26. The Worker members also supported the draft report form but suggested an amendment in point II, clause (4), of the draft form with a view to inserting after the words "Please specify" the words "which law enforcement mechanisms and measures exist and/or, where appropriate, are planned to be introduced or strengthened and [...]". The remainder of the paragraph should read as in the proposed report form.

¹¹ GB.280/LILS/8.

¹² GB.280/LILS/8(Add.).

27. The Committee recommends to the Governing Body that it adopt the draft report form, as amended, included in Appendix II, relating to the Protection of Wages Convention, 1949 (No. 95), and Recommendation (No. 85), 1949.

V. Choice of Conventions and Recommendations on which reports should be requested in 2003 under article 19 of the Constitution

28. The Committee had before it an Office proposal to defer until the 282nd Session (November 2001) of the Governing Body the issue of examining the choice of instruments on which reports should be requested in 2003 under article 19 of the Constitution in the light of an analysis of the possible impact of the integrated approach on the form and content of General Surveys.¹³

29. The Employer members expressed their agreement with the Office proposal.

30. The Worker members recalled that since the beginning of the discussions on improvements in standards-related activities, they had stressed that the process should not have a negative impact on existing procedures. The adoption of the integrated approach for the drafting of new standards should not constitute an obstacle to the normal functioning of the regular requests for reports under the ILO Constitution on unratified Conventions and on Recommendations. Moreover, no decision had been taken yet on the families of standards. The Working Party on Policy regarding the Revision of Standards had made recommendations on the instruments that should be the subject of a General Survey. All of these recommendations had been followed, except for that concerning the working time Conventions, i.e. the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30). They hoped that the Office would submit to the LILS Committee at its November 2001 meeting the usual document, including the proposal already contained in the document submitted in November 2000,¹⁴ on the choice of Conventions Nos. 1 and 30 for a General Survey in 2003. All of the Working Party's recommendations in this area would then have been followed.

31. The Chairperson stated that the Office would certainly take due account of the comments of the Worker members when preparing the document concerned. The proposal of the Office was approved.

32. The Committee recommends that the Governing Body defer until its 282nd Session (November 2001) the issue of examining the choice of instruments on which reports should be requested in 2003 under article 19 of the Constitution in the light of an analysis of the possible impact of the integrated approach on the form and content of General Surveys.

¹³ GB.280/LILS/9.

¹⁴ GB.279/LILS/7.

VI. Report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers

33. The Committee had before it a paper¹⁵ summarizing the report of the Seventh Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers, which met in Geneva, 11-15 September 2000.
34. The Worker members stressed the importance of social dialogue highlighted in the Joint Committee's report in a context where a number of governments still denied teachers the right to organize and to bargain collectively, be it at the national or at the decentralized level. Training in social dialogue for teachers' organizations and governments (and private employers where these play a role) should get high priority attention from the Office as a whole and from the IFP/Dialogue in particular. They recalled in this respect the important ACTRAV programme to help train teachers' organizations on the principles of major Conventions concerning freedom of association and collective bargaining, equality and discrimination, as well as child labour. Synergies should be developed with IFP/Skills based on the "Conclusions concerning human resources training and development" adopted by the 88th Session of the International Labour Conference, as these were also applicable to the teaching profession. In the implementation of the five key activities that the Joint Committee has identified as priorities, consultations were vital with teachers' organizations at the international level. Concerning the reference to the statistical profile of the teaching profession in paragraph 43 of the report, the Worker members called for this important work to be made available. Examples of positive social dialogue cited by the Joint Committee in paragraph 77 – the Republic of Korea and Senegal – were curious, particularly Senegal where the policy of recruiting teachers through the "volontaires" scheme (noted in the allegation examined in Annex 2) continues in violation of the principles of the ILO/UNESCO Recommendation; this practice had also now spread to other countries in Africa. Various activities of the ILO and UNESCO were noted in the report, but these have not yet translated into meaningful improvements in the status of teachers or the quality of education. The Worker members supported the point for decision contained in paragraph 10 of the paper.
35. The Employer members, referring to the governments cited in paragraph 10(c) of the paper, felt that the views of these governments should be heard in order to respect due process. The Employer members supported the point for decision contained in paragraph 10 of the paper.
36. *The Committee recommends to the Governing Body that it –*
- (a) *take note of the report of the Seventh Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers;*
 - (b) *authorize the Director-General to communicate the report to the governments of member States, and through them to the employers' and workers' organizations concerned, as well as to concerned intergovernmental and non-governmental organizations, and to invite them*

¹⁵ GB.280/LILS/10.

to continue and to intensify their efforts to apply all provisions of the ILO/UNESCO Recommendation, 1966, and the UNESCO Recommendation, 1997, in light of the Joint Committee's analysis and recommendations to improve teachers' status;

- (c) authorize the Director-General to communicate the relevant part of the annex containing the Joint Committee's examination of the allegations before it to the Governments of Albania, Bolivia, Burundi, Czech Republic, Ethiopia, Japan, Senegal and the Federal Republic of Yugoslavia, to the relevant United Nations bodies and to the teachers' organizations concerned, and where appropriate, to invite them to take the necessary follow-up action as recommended in the report;*
- (d) forward the report to the International Labour Conference at its 89th Session (June 2001) for examination in the first instance by the Committee on the Application of Standards;*
- (e) approve the change of the official title of the Joint Committee to "Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel".*

VII. Report of the WIPO Diplomatic Conference on the Protection of Audiovisual Performances

37. The Committee had before it a paper¹⁶ presenting a report on the Diplomatic Conference and providing information of the forthcoming Intergovernmental Committee on the Rome Convention (27-29 June 2001). The Employer and Worker members took note of the paper and supported its recommendation. The representative of the Government of Namibia requested clarification concerning the references to the "ILO" in the paper, wishing to know whether this referred always to the Organization, the Office or both; and concerning the status of the Rome Convention in relation to ILO instruments.
38. A representative of the Director-General indicated that the Convention was jointly administered by the International Labour Office, UNESCO and WIPO and had 67 ratifications, and that this year the Office was the host and organizer of the joint secretariat of the Intergovernmental Committee. She confirmed that the paper should indeed have made a distinction between the Office and the Organization.

VIII. Other questions

39. The Committee had before it a paper¹⁷ detailing the preparatory process for the World Conference (Durban, 31 August-7 September 2001), and the Office's participation in the preparatory activities.

¹⁶ GB.280/LILS/11.

¹⁷ GB.280/LILS/12.

40. The Worker members strongly supported the Office's work in the preparatory process and recalled that the slogan of the Conference ("United to Combat Racism: Equality, Justice and Dignity") perfectly reflects the founding values of the ILO. They emphasized the importance of making specific references in the Conference declaration and plan of action to racism and xenophobia in the world of work, referring specifically to the economic and social causes of such discrimination and the issue of migration. They affirmed that racial discrimination is a direct violation of rights at work, including through denial of access to employment, education and vocational training, health care, social security and fair working conditions. The Conference's final document should refer not only to Convention No. 111 but also to the Declaration on Fundamental Principles and Rights at Work. Conventions Nos. 87 and 98 constitute the main ways to allow the voice of female and male migrant workers, indigenous and tribal peoples, people of colour and minorities to be heard. They expected the World Conference to recommend that States address through remedial action the disproportionately high rate of unemployment, marginalization and social exclusion of vulnerable groups. Action is needed at the national, regional and international levels with direct involvement of trade unions. The Worker members invited the ILO to stress the need to split the references to migration and trafficking into separate groups, as keeping them under one heading could contribute to perpetuating the dangerous and persistent criminalization of migration instead of showing it to be the true enrichment it is. The Worker members were confident that the World Conference would be able to recognize that the elimination of discrimination at the workplace was a crucial element in reducing social and ethnic tension in the society at large; the expertise that the ILO would be able to provide in reference to fundamental rights at work was crucial for a successful outcome.
41. The Employer members noted the organization of this Conference and the ILO's contribution to it in conformity with its mandate.
42. The representative of the Government of Namibia stated that the African group was particularly happy that this Conference was taking place in South Africa, which under apartheid had been the cradle of legalized discrimination. They stressed the importance of the Conference, and supported the themes adopted for it.
43. The representative of the Government of India stated that this was one of the most important meetings to be held this year. Racism and racial discrimination is the antithesis of all the ILO stands for. India's contribution to combating racism is well known, and they regretted that it continued to persist and even to grow. The ILO had an important contribution to make in the World Conference, and to fighting racism. They noted that an additional inter-sessional preparatory meeting had been scheduled, and hoped the ILO would continue its contribution to the process. The Conference should take account of decent work and of ILO Conventions such as Convention No. 111. A political commitment was needed to eliminating racism, beyond adherence to any particular Convention. Attention was correctly being paid to the fact that vulnerable groups were subject to double discrimination.
44. The Committee welcomed the holding of the Conference, and the ILO's contribution to it.

Geneva, 27 March 2001.

(Signed) Mr. V. Rodríguez Cedeño,
Chairperson.

Points for decision: Paragraph 10;
Paragraph 27;
Paragraph 32;
Paragraph 36.