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INTERNATIONAL LABOUR OFFICE

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*Vol. LXIV**1981**Series A, No. 1*

INFORMATION

214th Session of the Governing Body of the International Labour Office

(Geneva, 18–21 November 1980)

The 214th Session of the Governing Body of the International Labour Office was held from Tuesday 18 to Friday 21 November 1980, under the chairmanship of Mr. Vijit Sangtong (Government representative, Thailand).

The agenda was as follows:

1. Approval of the Minutes of the 213th Session.¹
2. Date, place and agenda of the 68th (1982) Session of the International Labour Conference.
3. Action on the resolutions adopted by the Conference at its 66th (1980) Session.
4. Action on the resolution concerning freedom of association, trade union rights and industrial relations in Europe adopted by the Third European Regional Conference.
5. Complaints concerning the observance by Panama of the Officers' Competency Certificates Convention, 1936 (No. 53), the Repatriation of Seamen Convention, 1926 (No. 23), and the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), made by the Government of France under article 26 of the ILO Constitution.
6. Report of the Governing Body Committee to Consider Reports on the Effect Given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (Geneva, 22–26 September 1980).
7. Report of the Government Conference for the Final Adoption of the European Agreement concerning Medical Care for Persons on Short Stays Abroad (Geneva, 14–17 October 1980).²
8. Report of the Joint Maritime Commission on its 23rd Session (Geneva, 16–24 October 1980).³
9. International Institute for Labour Studies.

¹ The Governing Body approved the minutes.

² The Governing Body took note of the report.

³ The Governing Body postponed consideration of the report to its 215th Session.

10. International Centre for Advanced Technical and Vocational Training.
11. Reports of the Committee on Freedom of Association.
12. Reports of the Programme, Financial and Administrative Committee.
13. Report of the Allocations Committee.
14. Report of the Committee on Standing Orders and the Application of Conventions and Recommendations.
15. Report of the International Organisations Committee.
16. Report of the Industrial Activities Committee.
17. Report of the Committee on Operational Programmes.
18. Report of the Committee on Discrimination.
19. Composition and agenda of standing bodies and meetings.
20. Symposia, seminars and assimilated meetings.¹
21. Report of the Director-General.
22. Programme of meetings.
23. Appointment of Governing Body representatives on various bodies.

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The following is an account of the action taken by the Governing Body on this agenda.²

DATE, PLACE AND AGENDA OF THE 68TH (1982) SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

The 68th Session of the Conference is to open on Wednesday, 2 June 1982, in Geneva.

Having regard to the items which would necessarily be before the Conference, the Governing Body decided that the agenda would be as follows:

- I. Reports of the Governing Body and the Director-General.
- II. Programme and Budget proposals and other financial questions.
- III. Information and reports on the application of Conventions and Recommendations.
- IV. Maintenance of migrant workers' rights in social security (revision of Convention No. 48) (*second discussion*).
- V. Termination of employment at the initiative of the employer (*second discussion*).
- VI. Vocational rehabilitation (*general discussion leading to the adoption in 1983 of an instrument supplementing Recommendation No. 99*).
- VII. Revision of the Plantations Convention, 1958 (No. 110), and Recommendation, 1958 (No. 110) (*single discussion*).

The Conference will also have before it a special report on the application of the 1964 Declaration concerning the policy of apartheid in the Republic of South Africa, submitted by the Director-General in accordance with paragraph 6 of the operative part of the Declaration.³

ACTION ON THE RESOLUTIONS ADOPTED BY THE CONFERENCE AT ITS 66TH (1980) SESSION⁴

The Governing Body asked the Director-General, in communicating resolution II concerning the implications of Israeli settlements in Palestine and other occupied Arab

¹ The Governing Body took note of this paper.

² The texts of the documents and reports examined by the Governing Body and the approved summary of the discussions, together with a detailed account of how decisions were taken, are to be found in the set of documents constituting the minutes of each session.

³ *Official Bulletin*, July 1964, Supplement I, pp. 1-4.

⁴ For the texts of the resolutions, see *ibid.*, 1980, Series A, No. 2, pp. 74-83.

territories in connection with the situation of Arab workers to governments and, through them, to employers' and workers' organisations, to draw the special attention of the Government of Israel to operative paragraph 3 and that of other governments to operative paragraph 4 of the resolution. It took note of the action taken by the Office as described in the report and asked the Director-General to take any further steps required to bring to the peoples concerned the benefits of ILO technical co-operation with due regard to operative paragraph 5 (a) and (b) of resolution II. Note was further taken of the Director-General's intention to submit to the Governing Body at its 215th Session a report covering further developments in the matter.

On resolution III concerning ILO assistance to Zimbabwe, the Governing Body took note of the information in the Office paper on activities undertaken or planned to give effect to the provisions of the resolution, and requested the Director-General to take full account of the wishes expressed by the Conference in its resolution in formulating the ILO's technical co-operation programme in Zimbabwe.

As regards resolution IV concerning ILO activities for rural development, the Governing Body authorised the Director-General:

- (a) to invite the governments attending the Ninth Asian Regional Conference, in appointing their tripartite delegations to the Conference, to bear in mind the wish expressed by the General Conference in its resolution concerning ILO activities for rural development that members of the Advisory Committee on Rural Development should attend regional meetings at which rural items are discussed; and
- (b) when rural items are to be discussed at future regional meetings, to draw the attention of governments, in his letter of convocation to such meetings, to the wish expressed by the General Conference in its resolution.

The Governing Body took note of the information given on ILO activities for rural development and requested the Director-General:

- (a) to take full account of the wishes expressed by the Conference in its resolution in drawing up future programme and budget proposals; and
- (b) when communicating the text of the resolution to governments, to draw their particular attention to the appeal addressed to member States in operative paragraph 3 of the resolution.

ACTION ON THE RESOLUTION CONCERNING FREEDOM OF ASSOCIATION, TRADE UNION RIGHTS AND INDUSTRIAL RELATIONS IN EUROPE, ADOPTED BY THE THIRD EUROPEAN REGIONAL CONFERENCE¹

As regards the studies to be undertaken concerning the trade union situations and industrial relations systems existing in Europe, the Governing Body noted that proposals would be submitted to it at its next session as part of the 1982-83 programme and budget proposals.

COMPLAINTS CONCERNING THE OBSERVANCE BY PANAMA OF THE OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936 (No. 53), THE REPATRIATION OF SEAMEN CONVENTION, 1926 (No. 23), AND THE FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946 (No. 68), MADE BY THE GOVERNMENT OF FRANCE UNDER ARTICLE 26 OF THE ILO CONSTITUTION

The Governing Body decided to continue to suspend the procedure for consideration of the complaints made by France under article 26 of the ILO Constitution.

¹ For the text of the resolution, see *Official Bulletin*, 1980, Series A, No. 3, pp. 55.

REPORT OF THE GOVERNING BODY COMMITTEE TO CONSIDER REPORTS ON THE EFFECT
GIVEN TO THE TRIPARTITE DECLARATION OF PRINCIPLES CONCERNING MULTINATIONAL
ENTERPRISES AND SOCIAL POLICY

(Geneva, 22–26 September 1980)

The Governing Body endorsed the follow-up procedures and procedures for the examination of disputes concerning the application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy recommended by the Committee in paragraph 85 of its report.¹

INTERNATIONAL INSTITUTE FOR LABOUR STUDIES

The Governing Body took note of the report of the 22nd Session of the Board of the Institute and, on the recommendation of its Programme, Financial and Administrative Committee, endorsed the revised programme and approved the budget of the Institute for 1981, with the exception of the proposal concerning the reactivation of the Advisory Committee of the Institute. It also accepted contributions and gifts for on-going activities of the Institute.

INTERNATIONAL CENTRE FOR ADVANCED TECHNICAL AND VOCATIONAL TRAINING

The Governing Body took note of the report on the 31st Session of the Board of the Turin Centre and endorsed the recommendation addressed to it by the Board in paragraph 32 of its report.²

On the recommendation of its Programme, Financial and Administrative Committee, the Governing Body approved a series of amendments to the Financial Regulations of the Turin Centre.³

¹ See below pp. 89–90.

² This paragraph reads as follows:

“32. The Board took note of document CC 31/3/b. It approved paragraph 13 of the paper recommending that the Governing Body of the International Labour Office should give effect to the final paragraph of the resolution concerning financial assistance to the Turin Centre, adopted by the International Labour Conference, and should invite the Director-General to include in his budget proposals for 1982–83 a contribution to the Centre, which would allow it, while balancing its budget, to develop programmes according to the objectives of the ILO Medium-Term Plan, to provide the necessary support to the ILO's decentralised services and programmes as well as to the national and regional institutions carrying out training activities and to meet the expectations of governments, employers and workers from the developing countries as regards the quality, up-to-dateness and realism of its services. The representatives of the Governments of the Federal Republic of Germany, Japan and the United Kingdom expressed reservations on the reasons given in paragraph 13 in support of the recommendation to the Governing Body of the ILO concerning a possible subsidy to the Turin Centre in the 1982–83 budget.”

³ These amendments read as follows:

“Article 10

The words ‘and a Special Reserve Fund’ should be deleted.

Article 11

Sub-paragraph 1 (c) should be deleted.

Paragraph 2: the words ‘and the position of the Special Reserve Fund’ should be deleted.

Article 12–New Article 13

Paragraphs 1, 2 and 3 should be replaced by a new Article 13 as follows:

‘The Director shall include in budget proposals for each financial period adequate provisions for payroll charges to be paid to the ILO Terminal Benefits Account to cover terminal payments accruing to the Centre's staff under its Staff Regulations. Charges for such payments into the ILO Terminal Benefit Account and the obligations to be met from it shall be defined in a specific agreement between the International Labour Office and the Turin Centre.’

Article 13 – New Article 12

The words ‘and the Special Reserve Fund’ should be deleted.

This Article will therefore read:

‘At least once a year the Board of the Centre shall examine the cash position of the Working Capital Fund and shall decide on any measures that may be necessary.’

The articles dealing with the Working Capital Fund are renumbered and this Article should become Article 12.

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

(204th, 205th and 206th Reports)

The Governing Body examined and adopted the 204th, 205th and 206th Reports of its Committee on Freedom of Association.¹

Note was taken of the Director-General's intention (a) shortly to entrust to Mr. Elimane Kane, Assistant Director-General, a mission to the Government of Kenya in connection with Case No. 984; (b) with regard to Case No. 856, to seek contacts with the Government of Guatemala with a view to speeding its reply.

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

On the basis of the reports of this Committee, the Governing Body took note of information submitted to it on financial, administrative and personnel matters.

Informed of the problems which the Office had encountered in the implementation of the approved programme for 1980-81, the Governing Body decided that the additional cost of a number of measures and activities, estimated at 4,593,200 dollars, should be financed by savings in Part I of the Budget or, failing that, be charged to Part II and, to the extent that that was not possible, be financed by withdrawal from the Working Capital Fund on the understanding that the Director-General would make maximum efforts to achieve savings within the level of the budgetary funds already approved and that he would identify specifically at the end of the present biennium the amounts spent under the supplementary authorisation.

As regards personnel questions, the Governing Body approved various amendments to the Staff Regulations of the Office.

The Governing Body took note of information on the harmonisation of the Statutes of the ILO Administrative Tribunal and the United Nations Administrative Tribunal.

REPORT OF THE ALLOCATIONS COMMITTEE

The Governing Body decided to propose to the Conference the adoption of the following draft resolution:

"The General Conference of the International Labour Organisation,

Considering that the Socialist Republic of Viet Nam, which became a member of the Organisation of 17 January 1980, has not chosen to succeed to the assets and liabilities standing in the name of the former Republic of South Viet Nam in the books of the ILO;

Decides that the arrears of contributions amounting to US\$59,959 assessed on the former Republic of South Viet Nam in respect of the period 1 January 1975 to 1 July 1976 inclusive shall be written off;

Decides further that the share of the former Republic of South Viet Nam in the Working Capital Fund of the Organisation, amounting to US\$10,441, shall be transferred to Part II of the Fund."

Article 14

Paragraph 5: the words 'and the Special Reserve Fund' should be deleted.

Article 17

Paragraph 1 remains unchanged.

Paragraph 2: the reference to the Special Reserve Fund in the heading and in the text should be deleted so that the paragraph would read as follows:

2. Working Capital Fund

For the Working Capital Fund separate statements shall be prepared showing the movements and balances for the completed and preceding financial period.

Appendix 1-Definitions

The definition of the Special Reserve Fund should be deleted."

¹ The texts of these reports will be issued in the *Official Bulletin*, Series B.

REPORT OF THE COMMITTEE ON STANDING ORDERS AND THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

The Governing Body decided to request governments to submit in 1982 reports under article 19 of the ILO Constitution on the following instruments:

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Rural Workers' Organisations Convention, 1975 (No. 141);

Rural Workers' Organisations Recommendation, 1975 (No. 149).

In addition, the Director-General was asked to draw up, in accordance with Article 11 of the Maternity Protection Convention, 1919 (No. 3), and Article 15 of the Maternity Protection Convention (Revised), 1952 (No. 103), a report on the application of these Conventions with a view to consideration in due course of the desirability of placing the total or partial revision of the Maternity Protection Convention (Revised), 1952 (No. 103), on the agenda of a future session of the Conference.

REPORT OF THE INTERNATIONAL ORGANISATIONS COMMITTEE

In respect of the International Year of Disabled Persons, the Governing Body decided:

- (a) to endorse the Director-General's proposed contribution to the International Year of Disabled Persons and to the related long-term world programme of action in accordance with the resolution adopted by the Conference at its 65th Session; and
- (b) to request the Director-General to continue to co-operate fully with the United Nations IYDP secretariat, the specialised agencies and the advisory committee in pursuing the objectives of the year and in contributing to joint planning and programming, including the publicising of relevant ILO standards and assistance on request to member States in their implementation.

REPORT OF THE INDUSTRIAL ACTIVITIES COMMITTEE

Programme of Industrial Meetings, 1982-83

Selection of meetings

In addition to the Eleventh Session of the Coal Mines Committee, the Ninth Session of the Chemical Industries Committee and the Eighth Session of the Committee on Work on Plantations, the programme of industrial meetings for 1982-83 is to be established on the basis of the following list of meetings:

Building, Civil Engineering and Public Works Committee (Tenth Session);

Metal Trades Committee (Eleventh Session);

Third Tripartite Technical Meeting for Hotels, Restaurants and Similar Establishments;

Fourth Tripartite Technical Meeting for Mines Other than Coal Mines;

Advisory Committee on Rural Development (Tenth Session);

Joint Committee on the Public Service (Third Session).

Agendas of meetings

The agendas of the industrial meetings proposed for the 1982–83 biennium were determined as follows:

Coal Mines Committee (Eleventh Session)

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted at previous sessions of the Committee;
 - (b) steps taken by the Office to carry out the studies and inquiries proposed by the Committee, and other activities of the International Labour Organisation in the field of the coalmining industry;
 - (c) recent events and developments in the coalmining industry.
2. Employment and training with reference to health and safety in coal mines.
3. Age of retirement and retirement benefits in coal mines.

Chemical Industries Committee (Ninth Session)

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted at previous sessions of the Committee;
 - (b) steps taken by the Office to carry out the studies and inquiries proposed by the Committee, and other activities of the International Labour Organisation in the field of the chemical industries;
 - (c) recent events and developments in the chemical industries.
2. The specific contribution of the chemical industries to the vocational training and advanced training of manpower in developing countries.
3. Industrial relations and collective bargaining practices in the chemical industries.

Committee on Work on Plantations (Eighth Session)

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted at previous sessions of the Committee;
 - (b) steps taken by the Office to carry out the studies and inquiries proposed by the Committee, and other activities of the International Labour Organisation in the field of work on plantations;
 - (c) recent events and developments in work on plantations.
2. The training and retraining of workers and managers in plantations.
3. Occupational safety and health on plantations, with special reference to mechanisation and the use of chemicals and to labour inspection.

Building, Civil Engineering and Public Works Committee (Tenth Session)

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted at previous sessions of the Committee;
 - (b) steps taken by the Office to carry out the studies and inquiries proposed by the Committee, and other activities of the International Labour Organisation in the field of the construction industry;
 - (c) recent events and developments in the construction industry.

2. The improvement of working conditions and of the working environment in the construction industry.
3. Management training for the construction industry in developing countries.

Metal Trades Committee (Eleventh Session)

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted at previous sessions of the Committee;
 - (b) steps taken by the Office to carry out the studies and inquiries proposed by the Committee, and other activities of the International Labour Organisation in the field of the metal trades;
 - (c) recent events and developments in the metal trades.
2. Collective bargaining as a means of improving the working and living conditions of workers in the metal trades.
3. Training and retraining of men and women workers in the metal trades, with special reference to technological changes.

Third Tripartite Technical Meeting for Hotels, Restaurants and Similar Establishments

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted by the previous Tripartite Technical Meetings for Hotels, Restaurants and Similar Establishments;
 - (b) steps taken by the Office to carry out studies and inquiries proposed by the previous Tripartite Technical Meetings for Hotels, Restaurants and Similar Establishments, and other activities of the International Labour Organisation in the field of hotels, restaurants and similar establishments;
 - (c) recent events and developments in hotels, restaurants and similar establishments.
2. Social problems and employment in hotels, restaurants and similar establishments in developing countries.
3. The adaptation of the training of managerial staff and employees to structural and technological changes in hotels, restaurants and similar establishments.

Fourth Tripartite Technical Meeting for Mines Other than Coal Mines

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted by the previous Tripartite Technical Meetings for Mines Other than Coal Mines;
 - (b) steps taken by the Office to carry out the studies and inquiries proposed by the previous Tripartite Technical Meetings for Mines Other than Coal Mines, and other activities of the International Labour Organisation in the field of mines other than coal mines;
 - (c) recent events and developments in mines other than coal mines.
2. Freedom of association, industrial relations and collective bargaining practices in mines other than coal mines.
3. Workers' health in mines other than coal mines, with special reference to the effects of the working environment and of technological changes.

Joint Committee on the Public Service (Third Session)

1. General Report.
2. Recruitment, training and career development in the public service.

3. The effects of structural changes and technological progress on employment in the public service.

Ninth Session of the Petroleum Committee (1980)

Effect to be given to the Conclusions and Resolutions of the Committee¹

The Director-General was authorised:

- (a) to communicate the texts adopted by the Petroleum Committee at its Ninth Session (i) to governments, informing them that the Governing Body had taken note of these documents and requesting them to communicate the texts to the employers' and workers' organisations concerned and (ii) to the international organisations of employers and workers having consultative status; and
- (b) to draw the special attention of governments and, through them, that of the employers' and workers' organisations concerned, as well as that of the international employers' and workers' organisations having consultative status, to the report and Conclusions (No. 71) concerning the training of nationals as technicians and workers in the petroleum industry of developing countries, including continuous training and retraining in the light of technological progress; and to the report and Conclusions (No. 72) concerning working conditions and working environment in the petroleum industry, including offshore activities.

Effect given to the conclusions and resolutions adopted by the Petroleum Committee at its previous sessions

The Director-General was asked to draw the attention of governments and, through them, that of the employers' and workers' organisations concerned, as well as that of the international employers' and workers' organisations having consultative status, to the conclusions and resolutions mentioned in Section I, Group C, of the Classification of the conclusions and resolutions adopted by the Petroleum Committee at its eight previous sessions; and when planning the future programme of work of the Office, to continue to bear in mind the wishes expressed by the Petroleum Committee in the conclusions and resolutions listed in Section II, Group B, of the Classification with a view to giving effect to the requests contained therein which are addressed to the Office.

Training of nationals as technicians and workers in the petroleum industry of developing countries, including continuous training and retraining in the light of technological progress

The Director-General was asked, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Petroleum Committee in paragraphs 31 and 32 of Conclusions No. 71.

Working conditions and working environment in the petroleum industry, including offshore activities

The Director-General was asked to draw the attention of the World Health Organisation to the wish expressed in paragraph 6 of Conclusions No. 72; and when planning the future programme of work of the Office, to bear in mind the wishes expressed in paragraphs 6, 8 and 19 of Conclusions No. 72.

Future ILO action in the petroleum sector

The Governing Body agreed to bear in mind the wishes expressed in the operative part of Resolution No. 73 when considering future proposals for activities in the

¹ For these texts see below pp. 29-37.

petroleum sector; and requested the Director-General to bear in mind, when planning the future programme of work of the Office, the wishes expressed in Section II of Resolution No. 73.

The principle of recognition of independent and free trade unions in the petroleum industry

The Director-General was asked to transmit an appeal to member States in accordance with Resolution No. 74.

Meeting of Experts on the Relationship between Hours of Work and Shop and Bank Opening Hours

(a) *Agenda*

The Governing Body decided that the agenda of the meeting should be as follows: "Problems arising out of the relationship between hours of work and opening hours in shops and banks"

(b) *Composition*¹

The Governing Body authorised its Officers to approve on its behalf any nominations which the Director-General was not able to submit at the present session.

(c) *Invitation of non-governmental international organisations*

The Director-General was authorised to invite the following non-governmental international organisations to be represented by observers at the Meeting of Experts on the Relationship between Hours of Work and Shop and Bank Opening Hours: International Confederation of Executive Staffs; International Council of Women; International Federation of Business and Professional Women; International Federation of Commercial, Clerical, Professional and Technical Employees; Trade Unions International of Workers in Commerce.

Tenth Session of the Iron and Steel Committee (1981): Invitation of Non-Governmental International Organisations

The Director-General was authorised to invite the following non-governmental international organisations to be represented by observers at the Tenth Session of the Iron and Steel Committee: International Confederation of Executive Staffs; International Metalworkers' Federation; Trade Unions International of Workers in the Metal Industry; World Federation for the Metallurgical Industry.

Questions Arising from the Decision to Establish Three New Industrial Committees

Title of the new Committees

The three new Industrial Committees are to be called as follows: Hotel, Catering and Tourism Committee; Wood Industries Committee; Food and Drink Industries Committee.

Scope of the new Committees

Hotel, Catering and Tourism Committee

The Hotel, Catering and Tourism Committee is to cover the following main

¹ See also below pp. 14-15.

categories of establishments and activities:

- (a) hotels, boarding houses, motels, tourist camps and holiday centres;
- (b) restaurants and similar establishments;
- (c) establishments, or parts thereof, for the provision of meals and refreshments within the framework of industrial and institutional catering (for hospitals, factory and office canteens, schools, aircraft, ships, etc.);
- (d) travel agencies and tourist guides and tourism information offices;
- (e) conference and exhibition centres.

Wood Industries Committee

The scope of the Wood Industries Committee is to cover the categories of activity previously dealt with by the earlier Tripartite Technical Meetings for the timber industry and the woodworking industries, namely work carried out at the logging site, transport from the logging site to the site of initial processing operations, work in sawmills, and the various sections of the woodworking industries (except carpentry and joinery in building and civil engineering projects). It will exclude other wood transformation industries, such as the pulp and paper industry, as well as silvicultural activities.

Food and Drink Industries Committee

The scope of the Food and Drink Industries Committee is to be the same as that adopted at the First and Second Tripartite Technical Meetings for the Food Products and Drink Industries.

Follow-up to the conclusions and resolutions adopted by the earlier tripartite technical meetings

The new Committees are to continue the work of the relevant previous tripartite technical meetings and examine the effect given to the conclusions and resolutions adopted at those meetings.

Other Matters

Sixth general review of the membership of Industrial and Analogous Committees

An item on arrangements for the sixth general review of the membership of Industrial and Analogous Committees is to be placed on the agenda of the Industrial Activities Committee at the 216th Session (May 1981) of the Governing Body.

REPORT OF THE COMMITTEE ON OPERATIONAL PROGRAMMES

Meetings of the Committee on Operational Programmes

With effect from 1981 two meetings of the Committee on Operational Programmes are to be held each year, one at the February-March Session of the Governing Body and the other at the November Session of the Governing Body.

Tripartite evaluation team on ILO technical co-operation activities in Senegal

The Governing Body appointed as follows a three-member tripartite evaluation team to go on mission to Senegal for a period of one working week to ten days preceding the Seventh Session of the African Advisory Committee:

Government group: Mr. Misse (United Republic of Cameroon).

Employers' group: Mr. Georget.

Workers' group: Mr. Sow (*Substitute:* Mr Konate).

The Governing Body established the terms of reference of the team as follows: in consultation with the government authorities, representatives of national employers' and workers' organisations and the UNDP Resident Representative and in co-operation with the ILO field office concerned:

- (i) to evaluate the ILO's technical co-operation programme in the country, having regard to the objectives and standards of the Organisation and in particular the principle of tripartite participation at all stages of those activities (preparation of the country programme, selection of projects and project implementation);
- (ii) to ascertain whether ongoing projects are being carried out according to plan and to what extent they reflect the preoccupations of the employers' and workers' organisations; and
- (iii) to analyse difficulties encountered, propose solutions, prepare recommendations and report the main findings to the African Advisory Committee.

REPORT OF THE COMMITTEE ON DISCRIMINATION

Action on the conclusions of the Committee on Apartheid at the 66th Session of the Conference (June 1980)

The Governing Body decided—

- (a) (i) to include the question of apartheid in South Africa in the agenda of the 67th (June 1981) Session of the Conference, including the updating of the 1964 Declaration on Apartheid; and
- (ii) to request the Conference through its Selection Committee to set up a Conference Committee on Apartheid, along the same lines as the Committee on Apartheid established at the 66th Session of the Conference, to deal with this item;
- (b) (i) to request the Director-General to include in his Special Report on Apartheid a section dealing with the action taken by governments and by employers' and workers' organisations against apartheid, and to that end to send out a request for information to the constituents of the ILO; and
- (ii) to propose that the Conference Committee on Apartheid should monitor the action of governments and of employers' and workers' organisations against apartheid on the basis of the Special Report of the Director-General on Apartheid;
- (c) (i) to hold an international tripartite meeting in one of the front-line States to plan a joint international programme of action in co-operation with the Organisation of African Unity and the United Nations Special Committee against Apartheid;
- (ii) that the report of the meeting should be appended to the Special Report of the Director-General on Apartheid to be presented to the Conference at its 67th (June 1981) Session;
- (iii) to request the Director-General to seek extra-budgetary resources to finance the meeting, or, if necessary, to cover the costs of the meeting out of the regular budget; and
- (iv) to postpone until its 215th Session a decision on the composition of the meeting, it being understood that the Director-General would submit specific proposals at that session.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS

I. *Standing Bodies*

Committee of Experts on the Application of Conventions and Recommendations

Composition

The following members of the Committee of Experts on the Application of Conventions and Recommendations were reappointed for a period of three years: Sir Adetokunbo Ademola (Nigeria); Mr. P. Bhagwati (India); Sir William Douglas (Barbados); Mr. A. Gubinski (Poland); Mr. F. W. McCulloch (United States); Mr. J. M. Ruda (Argentina); Mr. G. Tunkin (USSR).

Panel of Consultants on Workers' Education

The Governing Body appointed the following persons nominated by the Workers' group for a period expiring on 31 May 1985: Mr. Victor Acosta V (Colombia); Mrs. Dominique Aguessy (World Confederation of Labour); Mr. Emile Bahi Niezie (Ivory Coast); Mr. T. S. Bavin (International Federation of Plantation, Agricultural and Allied Workers); Mr. T. Beiasov (Bulgaria); Mr. A. Braconier (International Federation of Free Teachers' Unions); Mr. Youcef Briki (Algeria); Mr. Peer Carlsen (Denmark); Mr. Bernardo Cobos (Mexico); Mr. A. L. Diallo (Organisation of African Trade Union Unity (OATUU)); Mr. J. C. Dikshit (India); Mr. Heinz Eckert (Federal Republic of Germany); Mr. Gösta Frisk (Sweden); Mr. José Gonzalez (Universidad de los Trabajadores de América Latina (UTAL)); Mr. Evelyn Greaves (Barbados); Mr. E. Herrera (Philippines); Mr. Roy Jackson (United Kingdom); Mr. G. Kanaiev (USSR); Mr. A. S. Khan (Bangladesh); Mr. S. Kipacha (Tanzania); Mr. Herbert Levine (United States); Mr. Sekou Magassouba (Guinea); Mr. Rosalino R. Martin, (Brotherhood of Asian Trade Unionists); Mr. V. S. Mathur, (International Confederation of Free Trade Unions); Mr. P. W. D. Matthews (Australia); Mr. Jochen Meinel (World Federation of Trade Unions); Mr. L. A. Osunde (Nigeria); Mr. Yehuda Paz (Israel); Mr. F. Piolot (France); Mr. Kurt Prokop (Austria); Miss Aude Raiga (France); Mr. Noel Rebello (Centre de coopération technique et de recherche pour l'éducation des travailleurs); Mr. Peter Rosenfeld (United Kingdom); Mrs. Dorothy Shields (United States); Mr. T. N. Siddhanta (India); Mr. Steen Sillemann (International Confederation of Free Trade Unions); Mr. Herbert W. Silungwe (Zambia); Mr. Tampungu-Ngenda (Zaire); Mr. Werner Thönnessen (International Metalworkers' Federation); Mr. Larry Wagg (Canada); Mr. G. Zilbert (Peru)

Panel of Consultants on Safety in Mines

Composition

The following persons were appointed to the Panel of Consultants on Safety in Mines for a period expiring on 31 March 1982:

Nominations made after consultations with governments: Mr. A. D. Harmer (Zambia); Mr. A. D. Oliver (Canada); Mr. Sankaran (India); Mr. J. Lamonica (United States).

Nomination made by the Workers' group: Mr. J. Olyslaegers (Belgium).¹

Panel of Consultants on Occupational Cancer

The following persons were appointed to the Panel of Consultants on Occupational Cancer for a period expiring on 31 May 1985:

¹ To replace Mr. S. Cantarelli (Belgium).

Nominations made after consulting the Employers' group: Dr. Ernest Mastromatteo (Canada), Dr. George Smaghe (France); Dr. K. S. Williamson (United Kingdom).

II. Meetings

Joint Meeting on Conditions of Work of Teachers

Composition

The Governing Body approved the following nominations to the Joint Meeting on Conditions of Work of Teachers:

Nominations made by the Workers' group: Mr. T. Bediako (Ghana); Mr. S. Mamadou Dickal (Mauritania); Mr. Erich Frister (Federal Republic of Germany); Mr. M. Guene (Senegal); Mr. Albert Guillot (France); Mr. Carlos Herrera Murillo (Costa Rica); Mr. S. B. P. Kapini (Zambia); Mrs. Eugenia Kemble (United States); Mr. André Lecuyer (Canada); Mr. V. K. Manchanda (India); Mr. Joseph Mandorli (Italy); Mr. Kijoo Nakakouji (Japan); Mr. Nasser Fayez (Syrian Arab Republic); Mr. Julio Reyes (Cuba); Mr. Paul Ruhig (German Democratic Republic); Mr. Lawrence Sia (Singapore); Mrs. Anny Stancheva (Bulgaria); Mr. Louis Van Beneden (Belgium); Mr. S. Wattegama (Sri Lanka).

Substitutes: Mr. Jorge Humberto Arita (Honduras); Mr. J. Ayala (Ecuador); Mr. Terry Casey (United Kingdom); Mr. Cheick Sadibu Diagne (Mali); Mrs. Sandra Feldman (United States); Mr. Fred Jarvis (United Kingdom); Mr. Hajimokhtar Rahim (Malaysia); Mr. Mambel Romulo (Venezuela); Mr. Fred Van Leeuwen (Netherlands).

Meeting of Experts on Household Surveys

Composition

The Governing Body took note of the information supplied concerning nominations from governments and approved the following nominations for participation in the meeting:

Experts nominated after consulting the Employers' group: Mr. Yehezkel Gutman, (Israel); Mrs. Diane Werneke (United Kingdom).

Substitutes: Mr. Tariq Mohammed Amin (Pakistan); Mr. Johnny Borra (Philippines); Mr. Lalit K. Deshpande (India); Mr. Reinhard Ebert (Federal Republic of Germany); Mr. J. Hutagalung (Indonesia); Mr. Azad Jeetun (Mauritius); Mr. Tore Chr. Malterud (Norway); Mr. Shardha Nand (Fiji); Mr. José Harmodio Testa P (Panama); Mr. Gunnar du Rietz (Sweden).

Experts nominated after consulting the Workers' group: Mr. J. O. Tetteh (Ghana); Mrs. Dawn Ventura (Canada).

Substitute: Mr. Iikko Voipio (Finland).

The Officers of the Governing Body were authorised to approve any further nominations which the Director-General might be able to submit before its following session.

Meeting of Experts on the Relationship between Hours of Work and Shop and Bank Opening Hours

Composition

The following nominations were approved for the Meeting of Experts on the Relationship between Hours of Work and Shop and Bank Opening Hours:¹

¹ See also above, p.10.

Experts nominated after appropriate consultations with governments: Mr. F. J. Bolt (Netherlands); Mr. Michel Bouleau (France); Mrs. Galina Gorbie (USSR); Mrs. Janet Hedges (United States); Mr. Tomas Tetzell (Sweden).

Experts nominated after consulting the Employers' group: Mr. Roberto Aclé Tammaro (Uruguay); Mr. Humayun Akhtar Adil (Pakistan); Mr. François Aigan (France); Mr. Dominador B. Bazan Jiménez (Panama); Mr. Per A. Cedergren (Sweden); Mr. Dermont Egan, (Ireland); Mr. Marcel Etienne (Mauritius); Mr. B. P. Gupta (India); Mr. Gregory A. Igbo (Nigeria); Mr. Manuel Ortiz Serrano (Spain); Mr. Hermann Reissinger (Federal Republic of Germany); Mr. Fouad Rezk (Syria).

Substitutes: Mr. Jacques De Bruyn (Belgium); Mr. Ali Dajani (Jordan); Mr. Ceferino L. Folloso (Philippines); Mr. M. H. Hanafi (Pakistan); Mr. Huang Kon (Republic of Korea); Mr. Abdul Halim bin Haji Ismail (Malaysia); Mr. I. A. Jafferi (Pakistan); Mr. Roy Legge (Canada); Mr. R. S. H. Mees (Netherlands); Mr. Gerdt H. K. Meyer (Norway); Mr. Shardha Nand (Fiji); Mr. Pablo Pelaez (Colombia); Mr. Humberto Prieto Concha (Chile); Mr. Heikki Ropponen (Finland); Mr. S. R. de Silva (Sri Lanka); Mr. Ferruccio Tosti (Italy).

Joint ILO/WHO Committee on Occupational Health

Composition

The Governing Body appointed the following experts as members of the Joint ILO/WHO Committee on Occupational Health:

Expert nominated after appropriate consultations with governments: Professor A. Kasparov (USSR).

Experts nominated after consulting the Employers' group: Dr. Jean-Marie Cave (France); Dr. Paulo Monteiro Mendes (Brazil).

Experts nominated after consulting the Workers' group: Dr. Erik Bolinder (Sweden); Mr. K. N. Trivedi (India).

Substitute: Dr. A. Mensah (Togo).

The Governing Body authorised its Officers to approve the remaining government nomination on its behalf.

REPORT OF THE DIRECTOR-GENERAL

Obituary

The Governing Body paid tribute to three prominent personalities who had been closely associated with the activities of the ILO.

It honoured the memory of Dr. Gerhard Weissenberg, Federal Minister for Social Affairs of Austria, and former Worker deputy member of the Governing Body, who had very close links with the ILO and gave it distinguished service over the past 25 years, particularly in the drafting of almost all of the ILO's instruments on social security. Within the ILO he had served in important capacities including, in June 1980, that of President of the International Labour Conference. The Governing Body asked the Director-General to offer its condolences to the Austrian Government and to the widow and family of the deceased.

Informed of the death of Mr. James Ola, Employer member of the Governing Body and an Employers' delegate to the Conference for many years, former Under-Secretary in the Federal Ministry of Labour and Social Welfare and Employment Commissioner in Nigeria, the Governing Body asked the Director-General to offer its sympathy to

the widow and family of Mr. Ola and to the Nigerian Employers' Consultative Association.

Finally, the Governing Body was informed of the death of Mr. Gabriel Joseph Khoury, former Worker deputy member of the Governing Body, who was a prominent figure in the Lebanese trade union movement and who had attended the Conference regularly since 1962. The Director-General was asked to offer the Governing Body's condolences to the widow and family of Mr. Khoury.

Composition of the Governing Body

The Governing Body took note of the following appointments, made to fill vacancies having occurred in the Employers' and Workers' groups:

Employers' group: Mr. D. J. Flunder (United Kingdom) as regular member in place of Mr. Coates; Mr. F. Bannerman-Menson (Ghana) as regular member in place of Mr. Ola; Mr. F. C. Sumbwe (Zambia) as deputy member in place of Mr. Bannerman-Menson; Mr. G. Okogwu (Nigeria) as substitute deputy member in place of Mr. Sumbwe.

Workers' group: Mrs. S. Carr (Canada) as regular member in place of Mr. Morris; Mr. C. O. Dolan (Australia) as regular member in place of Mr. Hawke; Mr. J. Svenningsen (Denmark) as regular member in place of Mr. Sunde.

Representation at the Ninth Asian Regional Conference (Manila, 2-11 December 1980)

Participation of certain member States

The Governing Body decided not to change the composition of the Asian Regional Conference at this stage, while considering that the member States concerned would be welcome to be represented at the Conference by observers in accordance with article 1, paragraph 7, of the Rules concerning the Powers, Functions and Procedure of Regional Conferences convened by the International Labour Organisation.

It was agreed also that the Director-General would report back to the Governing Body at its 215th Session on the question of the composition of Asian Regional Conferences.

Requests from international non-governmental organisations

The Director-General was authorised to invite the three following organisations to be represented at the Ninth Asian Regional Conference: International Federation of Commercial, Clerical, Professional and Technical Employees; Postal, Telegraph and Telephone International; Public Services International.

Request for participation of a liberation movement

The Governing Body, in application of paragraph 11 of article 1 of the Rules concerning the Powers, Functions and Procedure of Regional Conferences convened by the International Labour Organisation, decided to invite the Palestine Liberation Organisation to be represented at the Ninth Asian Regional Conference.

Request from an International Non-governmental Organisation for Representation at a Meeting of Experts

The Governing Body authorised the Director-General to invite the International Federation of Chemical, Energy and General Workers' Unions (ICEF) to be represented at the Meeting of Experts to Draw up a Code of Practice on Safety and

Health in the Construction of Fixed Offshore Drilling Installations in the Petroleum Industry (Geneva, 1-10 December 1980).

PROGRAMME OF MEETINGS

African Advisory Committee (Seventh Session)

The Governing Body confirmed the acceptance by its Officers of the invitation from the Government of Gabon to hold the Seventh Session of the African Advisory Committee at Libreville, Gabon, from 27 January to 4 February 1981, and requested the Director-General to convey its gratitude to the Government for its generous invitation.

Programme of Meetings for the Rest of 1980 and for 1981

The Governing Body approved the following programme of meetings for the rest of 1980 and for 1981:

Date	Title of meeting	Place
1980		
1-10 December	Meeting of Experts to Draw up a Code of Practice on Safety and Health in the Construction of Fixed Offshore Drilling Installations in the Petroleum Industry	Geneva
2-11 December	Ninth Asian Regional Conference	Manila
15-19 December	Tripartite Working Group on Appropriate Technology	Geneva
1981		
13-22 January	Advisory Committee on Salaried Employees and Professional Workers (Eighth Session)	Geneva
27 January-4 February	African Advisory Committee (Seventh Session)	Libreville
9-13 February	Working Party on Structure	Geneva
16 February-6 March	215th Session of the Governing Body and its committees	"
2-9 March	Joint ILO/WHO Committee on Occupational Health (Eighth Session)	"
12-25 March	Committee of Experts on the Application of Conventions and Recommendations	"
16-20 March	Joint IMCO/ILO Committee on Training (Sixth Session)	"
6-10 April	Meeting of Experts on Household Surveys	"
4-8 May	Meeting of Experts on the Relationship between Hours of Work and Shop and Bank Opening Hours	"
25-30 May	216th Session of the Governing Body and its committees	"
3-24 June	67th Session of the International Labour Conference	"
Immediately after the Conference	217th Session of the Governing Body	"
15-21 September	Joint ILO/WHO Committee on Health of Seafarers (Sixth Session)	"
22 September-1 October	Second Tripartite Technical Meeting for the Printing and Allied Trades	"
Third quarter	Meeting of Experts on Safety and Health in the Iron and Steel Industry	"
13-22 October	Iron and Steel Committee (Tenth Session)	"
27 October-4 November	Joint Meeting on Conditions of Work of Teachers	"
9-20 November	218th Session of the Governing Body and its Committees	"
1-10 December	Third Tripartite Technical Meeting for the Timber Industry	"
Fourth quarter	Meeting of Experts on Social Security Financing	"
Second half	Meeting of Experts on the Safe Use of Asbestos	"

The Governing Body took note of the list of forthcoming symposia, seminars and similar meetings submitted to it for information.

APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

The Governing Body appointed the following of its members to represent it at the meetings listed below:

Advisory Committee on Salaried Employees and Professional Workers (Eighth Session, Geneva, 13–22 January 1981)

Government group: Mr. Tudor (Romania)

Employers' group: Mr. Verschueren

Workers' group: Mr. Ahmed (*Substitute:* Mr. Fassina),

it being understood that the Government member of the delegation would be chairman of the meeting.

African Advisory Committee (Seventh Session, Libreville, 27 January–4 February 1981)

Government group: Mr. Khan (Pakistan) (*Substitute:* Mr. Reantragoon).

Employers' group: Mr. Oechsli (*Substitute:* Mr. Flunder (personal substitute: Mr. Healy)).

Workers' group: Mr. Lloyd (*Substitute:* Mr. Walcott).

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Election of Worker Vice-Chairman

The Governing Body elected Mr. Gerd Muhr as Worker Vice-Chairman of the Governing Body to replace Mr. Morris, who had resigned.

Changes in the Composition of Governing Body Committees and of the Working Party on Structure

The Governing Body approved the following nominations:

Government group: The United States is to resume membership in all Governing Body committees of which it was formerly a member or substitute member.

Workers' group:

Programme, Financial and Administrative Committee: Members: Mrs. Carr to replace Mr. Morris; Mr. Svenningsen to replace Mr. Sunde; *Substitutes:* Mr. Dolan to replace Mr. Hawke.

Committee on Standing Orders and the Application of Conventions and Recommendations: Members: Mr. Svenningsen to replace Mr. Sunde; *Substitutes:* Mrs. Carr to replace Mr. Morris.

Industrial Activities Committee: Substitutes: Mr. Dolan to replace Mr. Hawke; Mrs. Carr to replace Mr. Morris; Mr. Svenningsen to replace Mr. Sunde.

International Organisations Committee: Members: Mr. Dolan to replace Mr. Hawke, *Substitutes:* Mr. Svenningsen to replace Mr. Sunde.

Committee on Operational Programmes: Substitutes: Mr. Dolan to replace Mr. Hawke; Mrs. Carr to replace Mr. Morris.

Committee on Freedom of Association: Members: Mr. Aguiriano to replace Mr. Morris; *Substitutes:* Mr. Maier to replace Mr. Aguiriano; Mr. Mehta to replace Mr. Sunde.

Committee on Discrimination: Members: Mrs. Carr to replace Mr. Morris.

Working Party on Structure: Members: Mr. Mehta to replace Mr. Morris; *Substitutes:* Mr. Sudono to replace Mr. Mehta.

Situation with Regard to Freedom of Association in Ethiopia and Tunisia

The Governing Body took note of the Director-General's intention to redouble his efforts to secure the release of Mr. Beyene Solomon, former Worker deputy member of the Governing Body, and of remaining in touch with the Government of Tunisia with a view to lifting the restrictions on the freedom of Mr. Habib Achour of the UGTT.

Absence of Mr. N. Zimba, Deputy Worker member of the Governing Body

The Governing Body took note of the contacts with the Government of Zambia made by the Director-General with a view to enabling Mr. Zimba to attend the 214th Session of the Governing Body.

Situation with Regard to Freedom of Association in Nicaragua

The Governing Body took note of the Director-General's intention of getting in direct touch with the Government of Nicaragua with a view to securing the release of the detained employer leaders.

Membership of the International Labour Organisation

REPUBLIC OF EQUATORIAL GUINEA

On 30 January 1981 the Director-General of the International Labour Office received a communication dated 24 December 1980 from the Minister of Foreign Affairs of the Republic of Equatorial Guinea transmitting to him an instrument of accession to the Constitution of the International Labour Organisation which formally accepted the corresponding obligations.

The Republic of Equatorial Guinea, which is a Member of the United Nations, accordingly became a Member of the International Labour Organisation on 30 January 1981 by virtue of article 1, paragraph 3, of the Constitution of the Organisation.

Major Advisory and Other Meetings Held

The following meetings took place during the period covered by the present issue of the *Official Bulletin*. Limited quantities of reports and preparatory documents relating to meetings may be purchased from ILO Publications, International Labour Office, CH-1211 Geneva 22.

Government Conference for the Final Adoption of the European Agreement concerning Medical Care for Persons on Short Stays Abroad (Geneva, 14–17 October 1980)

The purpose of the Conference, which was organised jointly with the Council of Europe, was to adopt the European Agreement concerning Medical Care for Persons on Short Stays Abroad which had been drafted and approved by two preparatory meetings of government experts held at Geneva in 1978 and 1979. On 17 October 1980 the Government Conference finally adopted the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence, as well as the Final Act of the Conference. The texts of both instruments are given below, pp. 81–88.

Joint Maritime Commission (23rd Session, Geneva, 16–24 October 1980)

Agenda:

1. Social security and employment conditions of seafarers serving in flag-of-convenience vessels.
2. Employment conditions of seafarers serving in ships flying flags other than those of their own country.
3. Consideration of an international seafarers' code and of model legislation concerning seafarers.
4. Recommendation No. 109 concerning Wages, Hours of Work on Board Ship and Manning, 1958, Paragraph 2—the minimum basic wage for able seamen.
5. Report of the Tripartite Subcommittee on Seafarers' Welfare.

*Texts adopted:*¹

Resolution on employment conditions of seafarers serving in ships flying flags other than those of their own country.

Resolution on item 3 (a)—an International Seafarers' Code.

Resolution on the minimum basic wage of able seamen.

Resolution on seafarers' welfare.

Resolution on collection of statistical data concerning loss of life of seafarers.

Resolution on the increase in the membership of the Joint Maritime Commission.

¹ The texts will be published in a subsequent number of the *Official Bulletin*.

Tripartite Subcommittee on Seafarers' Welfare of the Joint Maritime Commission
(Fourth Session, 9-14 October 1980)

Agenda:

1. Examination of the Seamen's Welfare in Ports Recommendation, 1936 (No. 48), and the Seafarers' Welfare at Sea and in Port Recommendation, 1970 (No. 138), with a view to determining what further action may be required.
2. The treatment of seafarers in transit and with respect to customs formalities in port.
3. International co-operation in seafarers' welfare.

Texts adopted:

Resolution concerning the adoption of an instrument or instruments concerning seafarers' welfare at sea and in port.

Resolution concerning the treatment of foreign seafarers in transit and customs formalities in port.

Resolution on international co-operation in seafarers' welfare.

Ninth Asian Regional Conference (Manila, 2-11 December 1980)

Agenda:

1. Report of the Director-General.
2. Freedom of association, labour relations and development in Asia.
3. Problems of rural workers in Asia and the Pacific.

*Texts adopted:*¹

Besides adopting conclusions on the technical items on its agenda, the Conference adopted the following resolutions:

Resolution concerning the protection of Asian migrant workers.

Resolution concerning workers' education.

Resolution concerning the improvement of working conditions and environment in Asia and the Pacific.

Resolution concerning technical co-operation activities of the ILO in Asia and the Pacific.

Resolution concerning the implementation of a full employment policy in Asia.

Resolution concerning multinational enterprises and social policy in Asia.

¹ The texts will be published in a subsequent number of the *Official Bulletin*.

Official Measures Taken regarding Decisions of the International Labour Conference*¹

Ratifications and Denunciations of International Labour Conventions and Declarations concerning the Application of Conventions to Non-Metropolitan Territories

Notice is hereby given that the Director-General of the International Labour Office has registered the undermentioned ratifications and denunciations of international labour Conventions and declarations concerning the application of Conventions to non-metropolitan territories. In pursuance of article 20 of the Constitution of the International Labour Organisation, particulars of these ratifications, denunciations and declarations have been communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration); or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

State	Convention	Date of registration of ratification/denunciation/declaration	Date on which ratification/denunciation/declaration will take effect
I. Ratifications			
Cuba	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	29 December 1980	29 December 1981
	Labour Administration Convention, 1978 (No. 150)	"	"
	Labour Relations (Public Service) Convention, 1978 (No. 151)	"	"
Germany, Federal Republic of	Human Resources Development Convention, 1975 (No. 142)	29 December 1980	29 December 1981
	Labour Administration Convention, 1978 (No. 150)	26 February 1981	26 February 1982
	<i>The Government has declared that these Conventions are also applicable in West Berlin.</i>		
Netherlands	Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)	12 November 1980	12 November 1981
	<i>Pursuant to Article 3, paragraph 2, of the Convention, the length of the annual leave specified is 30 days.</i>		

* Notes are given at the end of the table.

State	Convention	Date of registration of ratification/denunciation/declaration	Date on which ratification/denunciation/declaration will take effect
Norway	Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)	5 December 1980	5 December 1980
	Medical Examination (Fishermen) Convention, 1959 (No. 113)	"	5 December 1981
	Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)	"	"
Peru	Labour Relations (Public Service) Convention, 1978 (No. 151)	27 October 1980	27 October 1981
Poland	Nursing Personnel Convention, 1977 (No. 149)	4 November 1980	4 November 1981
Portugal	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)	9 January 1981	Six months after the date of registration of the last of the ratifications meeting the requirements laid down in Article 27, paragraph 2, of the Convention.
	Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)	"	9 January 1982
	Employment Policy Convention, 1964 (No. 122)	"	"
	Holidays with Pay Convention (Revised), 1970 (No. 132)	17 March 1981	17 March 1982
	<i>Pursuant to Article 3, paragraph 2, of the Convention, the minimum length of the holiday specified is 21 days. In accordance with Article 15, paragraph 2, of the Convention, the obligations of the Convention have been accepted both in respect of employed persons in economic sectors other than agriculture and in respect of employed persons in agriculture.</i>		
	Dock Work Convention, 1973 (No. 137)	9 January 1981	9 January 1982
	Human Resources Development Convention, 1975 (No. 142)	"	"
	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	"	"
	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	"	"
	Labour Administration Convention, 1978 (No. 150)	"	"
	Labour Relations (Public Service) Convention, 1978 (No. 151)	"	"
	Labour Inspection Convention, 1947 (No. 81)	2 December 1980	2 December 1981
	Equal Remuneration Convention, 1951 (No. 100)	"	"
Rwanda	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	2 February 1981	2 February 1982

Spain	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	17 December 1980	17 December 1981
	<i>By virtue of Article 2, paragraph 1, of the Convention, the Government has accepted the obligations of the Convention in respect of air pollution and noise only.</i>		
Switzerland	Labour Administration Convention, 1978 (No. 150)	3 March 1981	3 March 1982
	Labour Relations (Public Service) Convention, 1978 (No. 151)	"	"
United Kingdom	Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)	26 March 1981	Twelve months after ratification by 12 Members meeting the requirements laid down in Article 15, paragraph 2, of the Convention.
	Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	28 November 1980	28 November 1981

II. Denunciations

Argentina	Night Work (Bakeries) Convention, 1925 (No. 20) ²	11 March 1981	11 March 1982
Ireland	Night Work (Bakeries) Convention, 1925 (No. 20) ³	22 December 1980	22 December 1981
New Zealand	Night Work (Women) Convention (Revised), 1948 (No. 89) ⁴	23 March 1981	23 March 1982

III. Declarations

United Kingdom	Workmen's Compensation (Accidents) Convention, 1925 (No. 17) <i>Applicable with modifications: Hong Kong</i> <i>Article 9</i>	14 January 1981	14 January 1981
	<p>(a) The employer is not liable to pay for medical, surgical or pharmaceutical aid in respect of an injury which does not incapacitate the workman for at least three consecutive days from earning his full wages;</p> <p>(b) the employer's liability to pay for medical, surgical and pharmaceutical aid ceases when the workman becomes entitled to receive compensation for permanent incapacity, whether partial or total, or on the expiration of 24 months from the date of the accident giving rise to the injury, whichever is the earlier.</p>		

State	Convention	Date of registration of ratification/denunciation/declaration	Date on which ratification/denunciation/declaration will take effect
United Kingdom (cont.)	<i>This declaration supersedes a declaration of application with modifications registered on 24 November 1978.</i>		
	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)		
	<i>Applicable without modification:</i> Hong Kong	14 January 1981	14 January 1981
	<i>This declaration supersedes a declaration of application with modifications registered on 30 March 1965.</i>		
	Minimum Age (Industry) Convention (Revised), 1937 (No. 59)		
	<i>Applicable with modifications:</i> Hong Kong	23 December 1980	23 December 1980
	Article 2		
	The minimum age of employment in industry is 15 years. However, children who have obtained the age of 14, but are under 15, may be employed as registered apprentices under the apprenticeship ordinance.		
	<i>This declaration supersedes a declaration of application with modifications registered on 27 March 1950.</i>		
	Labour Administration Convention, 1978 (No. 150)		
	<i>Applicable with modifications:</i> Belize	27 October 1980	27 October 1980
	Article 7.		
	It is not possible to meet the requirements of this Article due to financial restraint and staffing considerations.		
	<i>Applicable with modifications:</i> Brunei	"	"
	Article 5.		
	In the economic, social and political circumstances of Brunei this Article cannot be universally applied. Trade unions in the private sector have not been developed because of the relatively small-scale nature of the enterprises.		
	<i>Decision reserved:</i> Montserrat	"	—
	<i>Applicable with modifications:</i> Hong Kong	30 March 1981	30 March 1981
	Article 7 (b)		
	The scope of Labour Administration in Hong Kong does not extend to self-employed workers.		

Labour Relations (Public Service) Convention, 1978 (No. 151)

Applicable with modifications: Belize

27 October 1980

27 October 1980

Article 5 (2).

It is considered that officers at management level in the public service cannot be officers in a union.

Decision reserved: Brunei, Montserrat

”

—

Applicable without modification: Hong Kong

3 February 1981

3 February 1981

Notification of the Coming into Force of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Article 6 of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), adopted by the International Labour Conference at its 62nd Session on 29 October 1976, provides that the Convention shall come into force 12 months after the date on which the ratifications by at least ten Members of the International Labour Organisation with a total share in world shipping gross tonnage of 25 per cent have been registered.

The ratifications of the following countries were registered by the Director-General of the International Labour Office: Denmark, Finland, France, Federal Republic of Germany, Greece, Netherlands, Norway, Spain, Sweden and the United Kingdom. Following the ratification by the United Kingdom, registered on 28 November 1980, the Convention will come into force on 28 November 1981.

The present notification is made in accordance with the provisions of Article 8 of the Convention.

In conformity with article 20 of the Constitution of the International Labour Organisation, this Convention will be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

Notification of the Coming into Force of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)

Article 45 of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), adopted by the International Labour Conference at its 65th Session on 25 June 1979, provides that the Convention shall come into force 12 months after the date on which the ratifications of two Members of the International Labour Organisation have been registered.

The ratifications by Sweden and Norway were registered by the Director-General of the International Labour Office on 13 June 1980 and 5 December 1980 respectively. The Convention will accordingly come into force on 5 December 1981.

The present notification is made in accordance with the provisions of Article 47 of the Convention.

In conformity with article 20 of the Constitution of the International Labour Organisation, this Convention will be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

¹ Period covered: 1 October 1980 to 31 March 1981.

² When communicating this denunciation, the Government stated that the reasons for its decision were set out in the statement submitting Act No. 22.300 to denounce Convention No. 20, in the following terms: "The circumstances that in 1925 determined the adoption of this Convention by the International Labour Organisation, and also the penalty laid down by Act No. 11.338 in 1926, have been profoundly changed by the passage of time. The activity is today undergoing a process of modernisation involving a change not only in the technology employed but also in the organisation of production, while the working environment has improved markedly." The Government stated, in addition, that the prohibition of night work seems to be an anachronism. This is confirmed, moreover, by the fact that only 13 countries maintain their ratification of the Convention in question.

The Government has indicated that, in accordance with the principle approved by the Governing Body at its 184th Session in 1971 concerning the consultation of the representative organisations of the sector, consultations concerning this denunciation took place with the Bakery Workers' Federation, the Industrial Bakers' Association of Buenos Aires and the Baking and Allied Industries Federation of Argentina.

³ The instrument of denunciation stated that "there is an immediate and serious threat to employment in the baking industry in Ireland because of the restrictions in the aforesaid

Convention, as implemented in Irish legislation, relating to night work in bakeries"; and that "the Government of Ireland have considered the aforesaid Convention and, after consultations with the representative organisations concerned, have judged it appropriate that it should be denounced on behalf of Ireland."

⁴ The Government's letter contained the following statement: In accordance with the principles adopted by the ILO Governing Body, the New Zealand Government has consulted the representative organisations of employers and workers, namely the New Zealand Employers' Federation and the Federation of Labour (as well as the State Services Coordinating Committee and the Combined State Unions), to advise them of the Government's intentions and seek their views and advice. These consultations have primarily taken place within the New Zealand Steering Committee on Night Work Research.

Both in the course of the Committee's discussions and on other occasions the employers' and workers' representatives have demonstrated their support for denunciation as the first step in implementing a coherent policy on shift work and as a prime move towards full equality of opportunity in general. It is considered that prohibiting night work in factories but ignoring other forms of night employment which are inherently more dangerous, such as police work, nursing and public transport, is discriminatory rather than protective and runs contrary to the spirit of the New Zealand Human Rights Commission Act 1977, which was enacted in order that New Zealand could ratify the International Covenants on Human Rights.

DOCUMENTS

Petroleum Committee

(Ninth Session, Geneva, 15–24 April 1980)

CONCLUSIONS, RESOLUTIONS AND CLASSIFICATION ADOPTED

Conclusions (No. 71) concerning the Training of Nationals as Technicians and Workers in the Petroleum Industry of Developing Countries, Including Continuous Training and Retraining in the Light of Technological Progress¹

The Petroleum Committee of the International Labour Organisation,
Having met in Genève, in its Ninth Session, from 15 to 24 April 1980,

Having discussed the report on "Training of Nationals as Technicians and Workers in the Petroleum Industry of Developing Countries, including Continuous Training and Retraining in the Light of Technological Progress" (Report II),

Recalling the Human Resources Development Convention, 1975 (No. 142) and Recommendation (No. 150),

Recalling the Paid Educational Leave Convention, 1974 (No. 140) and Recommendation (No. 148),

Recalling Conclusions (No. 57) concerning Vocational Training for Workers, Supervisory and Technical Personnel in the Petroleum Industry, with Particular Reference to the Needs of Industrially Less Advanced Countries, adopted at the Seventh Session of the Petroleum Committee (October 1966),

Noting the Declaration of Principles and Programme of Action adopted by the World Employment Conference, June 1976,

Believing that lifelong and continuous education and training are essential to improving the level of qualifications of the workforce in the petroleum industry, to raising their productivity, to enhancing their careers and giving them the opportunity to achieve self-fulfilment,

Recognising that the petroleum industry is expanding very quickly and is undergoing rapid technological changes,

Noting that many developing countries are gradually taking full control of the management and operation of the petroleum industry in their countries and therefore need qualified manpower to ensure the smooth operation of the industry,

Recognising that properly conceived and executed training programmes for nationals of developing countries are in the best interest of the workers, the industry and the nations,

Adopts, this twenty-fourth day of April 1980, the following conclusions:

General Considerations

1. Bearing in mind the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Article 3 of the Workers' Representatives Convention, 1971 (No. 135), and the Tripartite Consultation (Activities of the International Labour Organisation) Rec-

¹ Unanimously adopted.

ommendation, 1976 (No. 152), governments, in consultation with representative employers' and workers' organisations, should develop training policies for the petroleum industry within the framework of the over-all training policy of their respective countries.

2. Such policies for the industry should aim at:

- (a) improving and protecting the employability of nationals in the petroleum industry;
- (b) enhancing the earning capacity, the career and upward mobility of workers and technicians employed by the industry;
- (c) improving the performance and increasing the productivity of the workforce as well as their skills and knowledge to enable them to cope with new technologies introduced into the industry;
- (d) promoting self-reliance and personal satisfaction of the workforce;
- (e) matching the requirements of the industry and the aspirations of individuals.

3. Training should be considered as a life-long process which embraces not only initial but also further training;

4. Training programmes should be based on an assessment of training needs of the petroleum industry as a whole and the needs of both the enterprises and individuals. This assessment should be as realistic and up to date as possible.

Initial Training of Workers

5. Workers in the petroleum industry should be provided with broad basic training to develop their abilities and to enhance their opportunities for an improved mobility, within the petroleum industry and similar industries.

6. In view of the relatively high turnover of workers working in offshore operations, special attention should be given to the provision of broad basic training for these workers to improve their possibilities in finding other employment opportunities.

7. In addition to broad basic vocational education and training, workers engaged in onshore and offshore operations should also receive specialised training which is specific to the needs of the industry. It is necessary that workers, prior to their engagement in offshore activities, receive training which allows them to familiarise themselves with their future work.

8. Where appropriate, and taking into consideration the degree of development and special conditions of each country, governments should take the primary responsibility for broad basic training, in particular in those occupations which are common in several other industries.

9. Initial training in occupations which are specific to the petroleum industry and other specialised training should, as far as possible, be organised by the enterprises. In such cases, training should be provided according to recognised standards set by governments in co-operation with employers' and workers' organisations.

10. Special attention should be given to the training of workers employed by enterprises having subcontracting arrangements with the petroleum industry. These workers should receive permanent training similar to that received by the workers employed by the enterprises.

11. Occupational health and safety should be included in all training programmes for the petroleum industry on the basis of national standards prepared in the context of tripartite consultations.

Training of Technicians

12. The basic training of technicians should, wherever appropriate, be carried out either by technical schools within the framework of national educational systems or through upgrading of skilled workers in advanced vocational training institutions.

13. Specialised technical knowledge and skills specific to the petroleum industry should be provided by the industry either at the enterprise level or in facilities set up by the industry.

14. Such training should aim, amongst other things, at providing technicians with the technical knowledge and skills which facilitate the continuing transfer of technology and which enable them to adapt to and develop new technologies.

Further Training

15. In view of the rapid technological changes in the petroleum industry in particular as regards deeper offshore technology, new tertiary recovery techniques, secondary refinery processes, computerised monitoring and control of production and processing systems, special attention should be given to specialised further training with a view to updating and increasing the knowledge and capabilities of the workforce.

16. Upgrading courses should be organised within the petroleum industry to facilitate the advancement of its manpower.

17. Measures should be taken to provide programmes for retraining workers and technicians who may become redundant or who would like to have the opportunity to broaden their employment prospects.

18. In order to facilitate the further training of workers and technicians, efforts should be made to give them paid educational leave, whenever this is necessary.

19. Specialised further training should be organised by the enterprise whether in the home country or abroad.

The Role of Vocational Guidance

20. Vocational guidance should be a lifelong process which enables people to have the widest choice of occupation and employment in the petroleum industry and informs them about training opportunities. It should also help improve the vertical and horizontal mobility of the workforce and contribute to the effectiveness and efficiency of training.

21. Vocational guidance should help the petroleum industry in matching its need of qualified manpower, on the one hand, and the aptitudes and aspirations of the individuals, on the other.

22. In order to increase the efficiency of the vocational guidance system, adequate, accurate and unbiased information should be provided on each appropriate occupation, the training requirements, conditions of work, wages and career possibilities.

The Effectiveness and Efficiency of Training

23. Every effort should be made to increase the effectiveness and efficiency of training in the petroleum industry taking into account the necessity to harmonise the level of programmes for occupational development with the general level of education. To ensure such an increased effectiveness and efficiency of training in the petroleum industry, measures should be taken to conceive training programmes on the basis of a realistic assessment of the needs of the enterprises and of the nation as well as the educational level of trainees.

24. Measures should be taken to ensure that instructors and teaching staff are motivated, well qualified and capable of imparting skills and knowledge to trainees.

25. As far as possible, instructors and teaching staff should have wide practical experience in the petroleum industry and should have worked in the occupations which they are teaching.

26. Supervisors should be motivated to consider training as one of their major responsibilities.

27. Instructors and teaching staff should be familiar with appropriate modern training methods such as presentation techniques, programmed training, computer-assisted learning, the use of audio-visual aids, etc.

28. Curricula and teaching methods and techniques should, as far as possible, be adapted to the level of education of the trainees.

29. Employers' and workers' organisations should co-operate in the planning and implementation of training programmes and the development of curricula, and whenever appropriate use the collective bargaining mechanism to reach agreement on questions relating to the training of technicians and workers.

International Action and the Role of the ILO

30. Every effort should be made to exchange experience and promote technical co-operation between developing countries in the training of manpower for the petroleum industry, taking

into account the best results achieved in developed countries and approved in the context of tripartite consultations of the countries concerned.

31. The ILO, within the limits of its resources, should analyse and disseminate information on successful training experiences in the petroleum industry made by member States.

32. Member States should take into account the facilities available at the International Centre for Advanced Technical and Vocational Training in Turin for the training of managers of vocational training facilities, instructors and teaching staff, technicians, supervisors and foremen and workers employed by the petroleum industry.

Conclusions (No. 72) concerning Working Conditions and Working Environment in the Petroleum Industry, Including Offshore Activities¹

The Petroleum Committee of the International Labour Organisation,
Having met in Geneva, in its Ninth Session, from 15 to 24 April 1980,

Having considered the report prepared by the Office on Working Conditions and Working Environment in the Petroleum Industry, including Offshore Activities,

Considering the technological developments which characterise this activity at present,

Noting the great efforts made to protect the safety and health of workers and improve their working conditions and working environment,

Recalling the conclusions and resolutions adopted by it at its previous sessions and, in particular, Conclusions No. 66 concerning occupational safety and health in the petroleum industry in the light of technical change, unanimously adopted at its Eighth Session in 1973,

Recalling furthermore the provisions contained in the international labour standards adopted by the ILO in the field of working conditions and working environment and in particular the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), the Occupational Cancer Convention, 1974 (No. 139), the Welfare Facilities Recommendation, 1956 (No. 102), and the Workers' Housing Recommendation, 1961 (No. 115), as well as the work of the Symposium on the Arrangement of Working Time and Social Problems connected with Shift Work in Industrialised Countries held in Geneva in 1977, the report of the Tripartite Advisory Meeting on Night Work held in Geneva in 1978 and the conclusions of the tripartite Meeting of Experts on Safety Problems in the Construction and Operation of Offshore Drilling Installations in the Petroleum Industry, held in Geneva in 1977,

Adopts this twenty-fourth day of April 1980 the following conclusions:

1. The Committee unanimously recognises the importance of technical progress to the development of the petroleum industry and strongly emphasises that such progress should always be at the service of man and contribute positively to the improvement of his health, safety and working environment.

2. It considers that governments, as well as employers and workers and their organisations, should continue to make every effort to ensure a safer and healthier working environment for all workers in the petroleum industry both in onshore and offshore activities.

3. The Committee notes that notwithstanding the improvements made in working conditions and working environment, the introduction of new technologies, including those in offshore drilling and production, has sometimes resulted in the emergence and aggravation of certain risks of occupational accidents and diseases. It also notes that the effects on the safety and health of workers from exposure to certain occupational hazards such as saturation diving, long exposure to small doses of a number of chemical substances, etc., are still insufficiently known.

4. The Committee considers that further research is required to identify potential hazards and to guard against their harmful effects on the health and safety of workers. Among the fields calling for priority research, mention may be made of the following: harmful substances and products and their possible carcinogenic, teratogenic and mutagenic effects, etc., offshore operations and, in particular, diving, sea-rescue equipment, safe transport of persons working on fixed or mobile offshore installations. Further research on design and construction of offshore facilities and equipment is also required. The Committee underlines the need to take into account research already undertaken by various national and international institutions and bodies in order to avoid duplication and waste of resources.

¹ Unanimously adopted.

5. While recognising that progress has been made in the matter of legislation and regulations, the Committee stresses that these are only effective to the extent that they are applied. It urges the governments concerned to strengthen measures for enforcing the laws and regulations for the protection of the safety and health of workers at the workplace and, in particular, on offshore platforms. The Committee also stresses that workers must be provided with information and training to permit them to recognise safety and health hazards in their working environment. Such training will permit the social partners to work co-operatively for improving workers' health and safety. In every country there should be appropriate inspection services for the purpose of supervising the application of the provisions of the legislation on safety and health in the petroleum industry. The inspection staff should be composed of persons who are suitably qualified for the activity and who are independent of improper external influence. Legislation in the field of occupational safety and health should be constantly reviewed and updated in the light of new technical knowledge and taking into account the latest standards adopted at the international level.

6. As regards statistics, the Committee underlines that these constitute an important tool for developing preventive measures and recommends that the government institutions concerned as well as employers' and workers' organisations should increase their efforts particularly to improve the harmonisation of definitions as well as methods of recording, analysing and interpreting data so as to make them comparable both at the national and international levels. Particular attention should be paid to the systematic collection of information on morbidity and mortality rates among workers in the petroleum industry for the purpose of appropriate epidemiological studies. The Committee expresses the hope that the ILO will make a more substantial contribution to the harmonisation of definitions and statistics in the field of occupational safety and health in co-operation with WHO and other international organisations.

7. The Committee considers that the extraction, refining and storage of increasing quantities of inflammable products involves considerable potential risks of fire and explosion in various sectors of the petroleum industry. Particular attention should be paid to the training of all personnel in this field. While recognising that a majority of companies in the petroleum industry pay great attention to the introduction of effective preventive measures, the Committee strongly recommends to all concerned that every practicable precaution should be taken. It is particularly important that safety criteria should be strictly observed at the design stage of installations (location in relation to inhabited localities, protection of the environment, etc.) as well as throughout the period of their operation through supervision and proper maintenance.

8. The Committee wishes to underline the special conditions prevailing in some countries as a result of their not being adequately equipped with means for inspection and control, for prevention and for the fight against occupational accidents, fire and explosion hazards as well as lack of training of workers. The governments and the petroleum companies concerned should intensify their efforts to remedy this situation in close collaboration with workers' organisations. The ILO should continue to develop its technical assistance to these countries particularly in the field of the training of workers in occupational safety and health matters.

9. The Committee stressed the importance of co-operation between employers and workers in the field of safety and health protection and the improvement of working conditions related to safety and health and working environment in petroleum enterprises. In this regard it fully supports the positions taken by the Meeting of Experts in 1977¹ which stressed that the over-all responsibility in the field of the safety and health of workers lies with the employer and the right of the workers, their representatives and trade unions to concern themselves with all questions relating to occupational safety and health. The important role played by safety representatives elected by the workers according to national legislation and regulations, where these exist, and by safety and health committees with representation of both workers and employers in certain countries was also recognised and it was recommended that co-operation through safety committees should be extended to all petroleum enterprises.

10. In the case of serious risk to life or limb, a worker must alert his immediate supervisor and also, where practicable, the undertaking's safety and health officer. When circumstances do not permit this action and a clear imminent risk exists, the worker should have the right, acting in response to that risk, to stop his work in accordance with established operating and safety procedures, if following them is practicable. Where a worker finds it necessary to take such action, acting in response to that risk, no sanctions will follow. In such cases, the worker must

¹ Meeting of Experts on Safety Problems in the Construction and Operation of Offshore Drilling Installations in the Petroleum Industry, ILO, Geneva, October 1977.

inform his immediate supervisor and the undertaking's safety and health officer as soon as possible.

11. The Committee stressed the importance of co-operation between employers and workers in the improvement of working conditions. Considering that hours of work, in their different aspects, may be affected by the prevailing technical, social and economic factors whose impact varies according to the countries involved, this question can best be handled at the national level within the framework of existing arrangements. However, technical progress, in principle and wherever practicable, should be taken into consideration when reviewing reduction of abnormally long or unsociable working hours, overtime or night work. The Committee expressed the view that night work and shift work should be limited as far as practicable to activities which are necessary for technical reasons.

12. Although numerous studies exist relating to shift work and night work, the Committee considers that the continuation of such studies and the wide dissemination of their results is necessary for a better appreciation of the effects on the workers of such forms of work organisation with a view to remedial action where appropriate.

13. It is essential that there should be correct rotation of shifts. Except in special circumstances which may among others include unscheduled absence of workers, workers should not be called upon to work extra shifts beyond the normal duty schedule. The attention of enterprises is drawn to the need to provide adequate catering and medical care facilities for shift workers.

14. Consideration should be given to further studies as to the age, working hours, conditions of work and ageing process of divers, specially for deep waters. Reduction of working time should be considered.

15. Greater attention should be given to ergonomic studies. In some cases, it would appear that the cause of accidents may be traced to the faulty design of work stations.

16. As regards arduous work, while it is not possible entirely to abolish this type of work in the petroleum industry, priority should be given to reducing the physical and mental workload involved. Generally speaking, reduction of physical and mental arduousness of work has both social and economic advantages.

17. When contractors and subcontractors have recourse to foreign workers, the safety and health conditions and duration of working hours should not be less favourable than those applied to national workers doing similar work at the location where they are employed.

18. The Committee recognises that progress has been made with regard to the establishment and operation of welfare services. The ILO has adopted two international instruments, the Welfare Facilities Recommendation, 1956 (No. 102), and the Workers' Housing Recommendation, 1961 (No. 115), which should provide guidance in this field. It recommends that steps to be taken should be determined through co-operation between employers' and workers' representatives and their organisations.

19. As regards international co-operation and the role of the ILO, the Committee recommends the dissemination of the results of research. In this regard reference is made to the conclusions of the tripartite Meeting of Experts on Safety Problems in the Construction and Operation of Offshore Drilling Installations in the Petroleum Industry, held in 1977. The Committee welcomes the recent establishment by the ILO of an International Hazard Alert System which should make it possible to have a more productive exchange of information on occupational hazards. It recommends that workers and enterprises in the petroleum industry should continue to benefit from the support of the International Programme for the Improvement of Working Conditions and Working Environment (PIACT) launched by the ILO in 1976 in this field.

Resolution (No. 73) concerning Future ILO Action in the Petroleum Sector¹

The Petroleum Committee of the International Labour Organisation,
Having met in Geneva, in its Ninth Session, from 15 to 24 April 1980,

Considering the importance of the petroleum industry for the world economy and that, notwithstanding the emphasis given in the area of safety and health, risks still exist in the petroleum industry with their consequences for individuals and the environment,

¹ Unanimously adopted.

Noting the study carried out by the ILO concerning social and labour practices in multinational enterprises in the petroleum industry;

Adopts this twenty-fourth day of April 1980 the following resolution:

- I. The Committee recommends to the Governing Body of the International Labour Office to keep the Petroleum Committee in existence and to convene it on a more regular basis, and at least once every four years.
- II. The Committee invites the Governing Body to request the Director-General of the ILO to include in the Office programme specific activities bearing on the following questions:
 - (1) the place of multinational enterprises in the petroleum industry and in this connection to follow developments concerning—
 - (a) their role and their activities within the framework of development strategy, taking into account the United Nations resolutions advocating the establishment of a new international economic order, and the attainment of the social objectives of the Organisation;
 - (b) the measures taken for the implementation of the provisions of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
 - (2) the pursuance of studies concerning shift work and night work, including the petroleum industry therein, and the implementation of existing relevant standards or conclusions;
 - (3) free collective bargaining;
 - (4) the holding of tripartite consultations at the national level as well as at the regional level for the solution of the problems arising from economic and social developments in the petroleum industry, as provided for in ILO Recommendation No. 113;
 - (5) the contribution of the ILO to the required research to examine potential social consequences in the petroleum industry resulting from the diversified use of different sources of energy, with a view to ensuring future world energy requirements;
 - (6) continuing attention to questions of occupational safety and health and of the working environment in the petroleum industry.
- III. The Committee expresses the wish that the Governing Body will take into consideration the following questions when it selects the technical items for the agenda of the Tenth Session:
 - (1) occupational safety and health and the working environment in the petroleum industry;
 - (2) hours of work in the petroleum industry;
 - (3) consequences for manpower planning and development in the petroleum industry arising from changes in the profile of skills and in the composition of the labour force.

It should be understood that the question of trade union rights in the petroleum industry will be dealt with having regard to Resolution No. 63 adopted by the Petroleum Committee in 1966 and which concerns freedom of association in the petroleum industry.

Resolution (No. 74) concerning the Principle of Recognition of Independent and Free Trade Unions in the Petroleum Industry¹

The Petroleum Committee of the International Labour Organisation,

Having met in Geneva, in its Ninth Session, from 15 to 24 April 1980,

Considering that the ILO in its Constitution and Conventions Nos. 87 and 98 declares freedom of association to be a basic principle of industrial relations and fundamental to constructive industrial relations,

Considering also that freely negotiated collective agreements between employees and employers are recognised in principle and practice as necessary to such constructive industrial relations,

Recognising that the petroleum industry by its nature consists of national and multinational enterprises;

Adopts this twenty-fourth day of April 1980 the following resolution:

The Petroleum Committee calls upon the Governing Body of the International Labour

¹ Adopted by consensus.

Office to reaffirm the principle of freedom of association and the consequent right of petroleum workers to be represented by freely elected and independent trade unions of their own choosing without interference on the part of governments or management whether of public or private enterprises and to urge governments to ratify and fully implement the basic ILO Conventions, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Classification of the Conclusions and Resolutions Adopted by the Petroleum Committee at Its Eight Previous Sessions^{1, 2}

Section I: Conclusions and resolutions, or parts thereof, calling for action in the different countries

Group A: Conclusions and resolutions, or parts thereof, which are no longer of current concern

No. 9 Resolution concerning promotion (First Session).

Group B: Conclusions and resolutions, or parts thereof, which, for the time being, would not appear to call for further information

No. 12 Resolution concerning recruitment (Second Session).

No. 16 Resolution concerning hours of work in the petroleum industry (Second Session).

No. 17 Resolution concerning rest periods in the petroleum industry (Second Session).

No. 19 Resolution concerning minimum wages in the petroleum industry (Second Session).

No. 23 Statement concerning industrial relations in the petroleum industry (Second Session).

No. 25 Resolution concerning permanent housing for petroleum workers (Third Session).

No. 27 Resolution concerning preventive medicine (Third Session).

No. 28 Resolution concerning health services (Third Session).

No. 29 Memorandum on education (Third Session).

No. 30 Resolution concerning general basic education (Third Session).

No. 37 Memorandum concerning social services in the petroleum industry (Fourth Session).

No. 38 Resolution concerning principles and methods used in determining wages in the petroleum industry (Fourth Session).

No. 45 Memorandum concerning human relations in the petroleum industry (Fifth Session).

No. 49 Conclusions concerning trade union organisation in the petroleum industry (except paragraphs 5 and 10) (Sixth Session).

No. 50 Conclusions concerning employer-employee communication in the petroleum industry (except for last paragraph of Part 5) (Sixth Session).

Group C: Conclusions and resolutions, or parts thereof, on which further information is considered desirable

No. 44 Resolution concerning conditions of employment of contract labour in the petroleum industry (Fifth Session).

No. 49 Conclusions concerning trade union organisation in the petroleum industry (paragraph 5) (Sixth Session).

No. 56 Conclusions concerning social consequences of structural and technological changes in the petroleum industry (except paragraphs 34 and 35) (Seventh Session).

No. 57 Conclusions concerning vocational training for workers, supervisory and technical personnel in the petroleum industry, with particular reference to the needs of industrially less advanced countries (Seventh Session).

¹ Unanimously adopted.

² The following texts are outdated, superseded or implemented, or have already been considered terminated at previous sessions of the Committee and are eliminated from the classification: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 18, 21, 22, 24, 26, 31, 32, 34, 35, 36, 39, 40, 41, 42, 43, 46, 47, 48, 51, 52, 53, 55, 59, 60, 62 and 64.

- No. 63 Resolution concerning freedom of association in the petroleum industry (Seventh Session).
- No. 65 Conclusions concerning social problems of contract, subcontract and casual labour in the petroleum industry (Eighth Session).
- No. 66 Conclusions concerning occupational safety and health in the petroleum industry in the light of technical change (except paragraphs 15, 16, 19 and 20) (Eighth Session).
- No. 69 Resolution concerning an ILO programme of activities in the petroleum industry (paragraph 3) (Eighth Session).
- No. 70 Resolution concerning multinational enterprises in the petroleum industry (paragraph (c)) (Eighth Session).

Section II: Conclusions and resolutions, or parts thereof, to which effect is to be given mainly by the Office

Group A: Conclusions and resolutions, or parts thereof, which are no longer of current concern to the Office

- No. 20 Resolution concerning the appointment of complete delegations (Second Session).
- No. 56 Conclusions concerning social consequences of structural and technological changes in the petroleum industry (paragraphs 34 and 35) (Seventh Session).

Group B: Conclusions and resolutions, or parts thereof, which should continue to receive the attention of the Office

- No. 13 Resolution concerning training in human relations for management and workers (Second Session).
- No. 33 Resolution concerning relations between the Chemical Industries Committee and the Petroleum Committee (Third Session).
- No. 49 Conclusions concerning trade union organisation in the petroleum industry (paragraph 10) (Sixth Session).
- No. 50 Conclusions concerning employer-employee communication in the petroleum industry (last paragraph of Part 5) (Sixth Session).
- No. 54 Resolution on study of wages in the petroleum industry (Sixth Session).
- No. 58 Resolution concerning the effect to be given to the conclusions and resolutions of the Petroleum Committee (Seventh Session).
- No. 61 Resolution concerning a study of conditions of work and life of workers in the petroleum industry (Seventh Session).
- No. 66 Conclusions concerning occupational safety and health in the petroleum industry in the light of technical change (paragraphs 15, 16, 19, 20) (Eighth Session).
- No. 67 Resolution concerning the obtaining, by the International Labour Organisation, of information on the conditions of life and work of petroleum workers (Eighth Session).
- No. 68 Resolution concerning environmental problems as affected by the petroleum industry (Eighth Session).
- No. 69 Resolution concerning an ILO programme of activities in the petroleum industry (paragraphs 1 and 2) (Eighth Session).
- No. 70 Resolution concerning multinational enterprises in the petroleum industry (paragraphs (a) and (b)) (Eighth Session).

Final Act of the Governmental Conference for the Revision of the Agreement of 13 February 1961 concerning the Social Security of Rhine Boatmen (Revised)

(Translation)

1. The Governmental Conference for the revision of the Agreement of 13 February 1961 concerning the Social Security of Rhine Boatmen (Revised) was convened at Geneva by the International Labour Office (ILO) for the final adoption of the Agreement whose provisions had been prepared by the Administrative Centre for the Social Security of Rhine Boatmen with technical assistance from the ILO and approved by the 19th Sitting of the Administrative Centre held in Strasbourg from 13 to 16 March 1979.

2. The Governmental Conference met at Geneva from 27 to 30 November 1979. The Governments of the following States were represented: Austria, Belgium, France, Federal Republic of Germany, Luxembourg, Netherlands and Switzerland. The Governing Body of the ILO was represented by a tripartite delegation composed of Mr. Zenger (Government member), Mr. Verschueren (Employer member) and Mr. Clivaz (Worker member). The following international organisations were also represented at the Conference: the Central Commission for Rhine Navigation, the United Nations Economic Commission for Europe, the Commission of the European Communities and the International Social Security Association.

3. With respect to the provisions of Article 33, paragraph 3, of the Agreement, the delegation of the Netherlands proposed a complementary provision concerning the calculation of invalidity and survivors' benefits the amount of which does not depend on the length of periods of insurance completed, for the purpose of correcting the method of calculation of these benefits in cases of an insufficient insurance career. A similar proposal having also been presented by the Government of the Netherlands with a view to revising Regulation No. 1408/71 of the Council of the European Communities, the Governmental Conference considered that the problem should be re-examined by the Administrative Centre for the Social Security of Rhine Boatmen after an appropriate solution had been found within the European Communities.

4. On 30 November 1979, the Governmental Conference finally adopted the new Agreement concerning the Social Security of Rhine Boatmen, which was signed by the President of the Conference. This Agreement, which shall be applied and interpreted in accordance with the records of decisions of the Governmental Conference, is open to signature and ratification by the States represented at the Central Commission for Rhine Navigation and by Luxembourg, in accordance with the provisions of Article 90 of the Agreement, and, subject to the conditions specified in Article 93 of the Agreement, for accession by other States. It shall be signed at Geneva by the plenipotentiaries of the Governments concerned before 1 September 1980, and its ratification, subject to the conditions specified in the Agreement, should take place as soon as possible.

IN WITNESS WHEREOF the undersigned representatives have signed this Final Act.

Done at Geneva, this thirtieth day of November 1979, in three original copies in Dutch, French and German. The texts shall be deposited with the Director-General of the International Labour Office, who shall transmit certified copies to each Government represented at the Central Commission for Rhine Navigation, to the Government of Luxembourg and to the said Commission.

For Austria:

For Belgium:

For France:

For the Federal Republic of Germany:

For Luxembourg:

For the Netherlands:

For Switzerland:

For the Central Commission for Rhine Navigation:

J. DONIS.

S. DARMON.

A. SCHWARZ.

C. REIFFERS.

VAN NIJNTEN.

A. SCHULER.

DOERFLINGER.

**Agreement concerning the Social Security of Rhine Boatmen (Revised),
Adopted by the Governmental Conference Responsible for Revising the
Agreement of 13 February 1961 concerning the Social Security of
Rhine Boatmen (Revised)
(Geneva, 30 November 1979)**

(Translation)

TITLE I. GENERAL PROVISIONS

Article 1

For the purpose of this Agreement—

- (a) the term “Contracting Party” means any State which has deposited an instrument of ratification, of acceptance or of accession, in accordance with the provisions of Article 90, paragraph 2, or of Article 93, paragraph 2;
- (b) the terms “territory of a Contracting Party” and “national of a Contracting Party” are defined in Annex I; each Contracting Party shall give notice, in accordance with the provisions of Article 97, paragraph 1, of any amendment to be made to Annex I;
- (c) the term “legislation” means any laws, regulations or other statutory instruments which are in force at the time of signature of this Agreement or may enter into force subsequently in the whole or any part of the territory of each Contracting Party and which relate to the social security branches and schemes specified in Article 3, paragraphs 1 and 2;
- (d) the term “social security convention” means any bilateral or multilateral instrument by which two or more Contracting Parties are, or may subsequently be, bound exclusively, and any multilateral instrument by which at least two Contracting Parties and one or more other States are, or may subsequently be, bound in the field of social security in respect of all or of part of the social security branches and schemes specified in Article 3, paragraphs 1 and 2, as well as any agreements concluded pursuant to the said instruments;
- (e) the term “competent authority” means the Minister, Ministers or other corresponding authority responsible for the social security schemes applicable to Rhine boatmen in all or any part of the territory of each Contracting Party;
- (f) the term “institution” means the body or authority responsible for applying all or part of the legislation of each Contracting Party;
- (g) the term “competent institution” means—
 - (i) in relation to a social insurance scheme, either the institution with which the person concerned is insured when he claims benefit, or the institution from which he is entitled to receive benefit, or would be entitled to receive benefit, if he were resident in the territory of the Contracting Party where that institution is situated, or the institution designated by the competent authority of the Contracting Party concerned;
 - (ii) in relation to a scheme other than a social insurance scheme, or in relation to a family benefits scheme, the institution designated by the competent authority of the Contracting Party concerned;
 - (iii) in relation to a scheme concerning an employer’s liability in respect of benefits referred to in Article 3, paragraph 1, either the employer or his insurer or, in default thereof, the body or authority designated by the competent authority of the Contracting Party concerned;
- (h) the term “competent State” means the Contracting Party in whose territory the competent institution is situated;
- (i) the term “residence” means ordinary residence;
- (j) the term “temporary residence” means a temporary stay;

- (k) the term “institution of the place of residence” means the institution empowered, under the Contracting Party’s legislation which it applies, to pay the benefits in question at the place of residence or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;
- (l) the term “institution of the place of temporary residence” means the institution empowered, under the Contracting Party’s legislation which it applies, to pay the benefits in question at the place of temporary residence or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;
- (m) the term “Rhine boatman” means an employed person or a self-employed person, as well as any person treated as such under the legislation applicable, who works on board a vessel used commercially for Rhine navigation and who holds the certificate provided for in Article 22 of the revised Agreement on Rhine Navigation signed at Mannheim on 17 October 1868, regard being had to the amendments made and to be made to that instrument as well as to the relative regulations for its application;
- (n) the term “auxiliary worker” means a Rhine boatman temporarily employed in order to complete or strengthen the crew in accordance with the Rhine regulations or for the purpose of handling the ship in port;
- (o) the term “members of the family” means persons defined or recognised as such, or designated as members of the household, by the legislation applied by the institution responsible for paying benefits, or in the cases referred to in Article 16, paragraph 1, subparagraphs (a) and (c), and in Article 21, paragraph 6, by the legislation of the Contracting Party in whose territory they reside; where, however, that legislation regards only persons living with the person concerned as members of the family or members of the household, that condition shall be deemed to be satisfied if such persons are mainly maintained by the person concerned; where such legislation does not permit the members of the family to be determined, the institution of the place of temporary residence shall refer to the legislation which the competent institution applies;
- (p) the term “survivors” means the persons defined or recognised as such by the legislation under which the benefits are granted; where, however, this legislation regards as survivors only persons who were living with the deceased, this condition shall be deemed to be satisfied if the persons concerned were mainly maintained by the deceased;
- (q) the term “periods of insurance” means periods of contributions, employment, occupational activity or residence as defined or recognised as periods of insurance by the legislation under which they were completed, and include, as appropriate, those which were not completed in the occupation of Rhine boatman, and any other periods in so far as they are regarded by that legislation as equivalent to periods of insurance;
- (r) the terms “periods of employment” and “periods of occupational activity” mean periods defined or recognised as such by the legislation under which they were completed, and any other periods in so far as they are regarded by that legislation as equivalent to periods of employment or occupational activity;
- (s) the term “periods of residence” means periods of residence defined or recognised as such by the legislation under which they were completed;
- (t) the term “benefits” means all benefits in kind and in cash, and pensions, provided in respect of the contingency concerned, and includes—
 - (i) benefits in kind, and benefits aimed at prevention, rehabilitation and occupational retraining;
 - (ii) benefits in cash, pensions and all components thereof, provided out of public funds and all increases, revaluation allowances or supplementary allowances unless otherwise specified in this Agreement, and any benefits awarded for the purpose of maintaining or improving earning capacity, lump sum benefits which may be paid in lieu of pensions and, as appropriate, any payments made by way of refund of contributions;
- (u) (i) the term “family benefits” means any benefits in kind or in cash, including family allowances, granted to offset family maintenance costs, with the exception of increases in, or supplements to, pensions provided for the members of the family or recipients of such pensions;
- (ii) the term “family allowances” means periodical cash benefits granted according to the number and age of children;
- (v) the term “death grant” means any lump sum payable in the event of death, other than the lump sum benefits mentioned in subparagraph (t) (ii) of this Article;

- (w) the term “contributory” applies to benefits, the award of which depends either on direct financial participation by the persons protected or by their employer, or on a qualifying period of occupational activity, and to legislation or schemes which provide for such benefits; benefits the award of which does not depend on direct financial participation by the persons protected or by their employer, or on a qualifying period of occupational activity, and the legislation or schemes under which they are exclusively awarded, are said to be “non-contributory”;
- (x) the term “benefits granted under transitional arrangements” means benefits granted to persons who are over a given age on the date of entry into force of the legislation applicable, or benefits granted provisionally in consideration of events that have occurred or periods that have been completed outside the current frontiers of the territory of a Contracting Party;
- (y) the term “Administrative Centre” means the Administrative Centre for the Social Security of Rhine Boatmen referred to in Article 71.

Article 2

1. Subject to the provisions of Article 9, paragraph 2, and of Article 54, this Agreement applies, in the territory of the Contracting Parties, to all persons who are or may be subject, in the capacity of Rhine boatmen, to the legislation of one or more of the Contracting Parties, as well as to members of their families and their survivors.

2. This Agreement does not apply to persons who exercise their occupational activity on board—

- (a) a sea-going vessel recognised as such by the legislation of the State whose flag it flies;
- (b) a vessel used exclusively or mainly in river or sea ports.

Article 3

1. This Agreement applies to all legislation governing the following branches of social security—

- (a) sickness and maternity benefits;
- (b) invalidity benefits;
- (c) old-age benefits;
- (d) survivors’ benefits;
- (e) benefits in respect of occupational injuries and diseases;
- (f) death grants;
- (g) unemployment benefits;
- (h) family benefits.

2. This Agreement applies to all general social security schemes and special schemes, whether contributory or non-contributory, including employers’ liability schemes in respect of the benefits referred to in the preceding paragraph. Bilateral or multilateral agreements between two or more Contracting Parties shall determine, as far as possible, the conditions under which this Agreement shall apply to schemes established by means of collective agreements made compulsory by decision of the public authorities.

3. This Agreement does not apply to social or medical assistance schemes or to benefit schemes for victims of war or its consequences.

Article 4

1. Annex II specifies, in respect of each Contracting Party, the legislation and schemes referred to in Article 3, paragraphs 1 and 2.

2. Each Contracting Party shall give notice, in accordance with the provisions of Article 97, paragraph 1, of any amendment to be made to Annex II as a result of the adoption of new legislation. Such notice shall be given within three months of the date of publication of such legislation or, in the case of legislation published before the date of ratification or acceptance of this Agreement, on the date of ratification or acceptance.

Article 5

1. The provisions of this Agreement shall not affect obligations under any Convention adopted by the International Labour Conference.

2. This Agreement replaces, in respect of persons to whom it is applicable, any social security conventions binding—

- (a) two or more Contracting Parties exclusively; or
- (b) at least two Contracting Parties and one or more other States in respect of cases calling for no action on the part of an institution of one of the latter States.

3. Notwithstanding the provisions of the preceding paragraph, two or more Contracting Parties may keep in force, by mutual agreement, as regards the persons to whom this Agreement applies, the provisions of social security conventions by which they are bound by specifying them in Annex III, in so far as they are provisions at least as favourable for the persons concerned as those of this Agreement. However, this Agreement shall apply in all cases requiring action on the part of an institution of a Contracting Party other than those which are bound by the provisions kept in force in accordance with the preceding sentence.

4. Two or more Contracting Parties which are bound by the provisions specified in Annex III may, by mutual agreement, make appropriate amendments to that Annex by giving notice thereof in accordance with the provisions of Article 97, paragraph 1.

Article 6

1. Two or more Contracting Parties may, if need be, conclude with each other supplementary agreements founded on the principles of this Agreement.

2. Each Contracting Party shall give notice in accordance with the provisions of Article 97, paragraph 1, of any Agreement which it concludes by virtue of the preceding paragraph, and of any subsequent amendments or denunciation of such an Agreement. Such notice shall be given within three months of the date of entry into force of that Agreement or of its amendment, or of the date on which its denunciation takes effect.

Article 7

1. Unless otherwise specified in this Agreement, persons who are on board a vessel referred to in Article 1, subparagraph (*m*), or who are resident in the territory of a Contracting Party and to whom this Agreement is applicable, shall have the same rights and obligations under the legislation of every Contracting Party as the nationals of such Party.

2. However, entitlement to special non-contributory benefits granted to persons who cannot qualify for normal benefits may be made conditional upon the beneficiary having resided in the territory of the Contracting Party concerned or, in the case of survivors' benefits, on the deceased having resided there for a period which may not be set—

- (a) at more than five consecutive years immediately preceding the lodging of the claim for invalidity benefits, or immediately preceding death for survivors' benefits;
- (b) at more than ten years between the age of sixteen and the pensionable age, of which it may be required that five consecutive years shall immediately precede the lodging of the claim for old-age benefits.

3. Annex IV specifies for each Contracting Party concerned the benefits provided under its legislation to which the provisions of the preceding paragraph are applicable.

4. Each Contracting Party shall give notice, in accordance with the provisions of Article 97, paragraph 1, of any amendment to be made to Annex IV. If such an amendment results from the adoption of new legislation, such notice shall be given within three months of the date of publication of that legislation or, in the case of legislation published before the date of ratification or acceptance of this Agreement, on the date of that ratification or acceptance.

5. The provisions of paragraph 1 of this Article shall not affect the legislation of any Contracting Party in so far as it concerns participation in social security administration or membership of social security tribunals.

Article 8

1. The provisions of the legislation of a Contracting Party which make admission to voluntary insurance or optional continued insurance conditional upon residence in the territory of that Party shall not apply to persons to whom this Agreement is applicable and who reside in the territory of another Contracting Party, provided that they were last subject to the legislation of the first Party as Rhine boatmen.

2. Where a Rhine boatman applies for admission to voluntary or optional continued insurance by virtue of the legislation of a Contracting Party which makes admission to voluntary or optional continued insurance conditional upon the completion of periods of insurance, the periods of insurance which he completed under the legislation of any other Contracting Party shall be taken into account, to the extent necessary, as if they were periods of insurance completed under the legislation of the first Party.

Article 9

1. Unless otherwise specified in this Agreement, neither invalidity cash benefits, old-age or survivors' cash benefits, pensions in respect of occupational injuries or diseases, nor death grants, payable under the legislation of one or more Contracting Parties, shall be liable to reduction, modification, suspension, suppression or forfeiture by reason of the fact that the beneficiary is resident in the territory of a Contracting Party other than that in which the institution liable for payment is situated.

2. The provisions of the preceding paragraph shall not affect the provisions of the legislation of a Contracting Party, or those of any social security Convention binding a Contracting Party with another State, which provide for the payment of the benefits referred to in that paragraph to beneficiaries residing outside the territories of the Parties to this Agreement.

3. However, the provisions of paragraph 1 of this Article shall not apply to the following benefits, in so far as they are specified in Annex V:

- (a) special non-contributory benefits granted to invalids who are unable to earn a living;
- (b) special non-contributory benefits granted to persons not entitled to normal benefits;
- (c) benefits granted under transitional arrangements;
- (d) special benefits granted as assistance, or in case of need.

4. Each Contracting Party shall give notice, in accordance with the provisions of Article 97, paragraph 1, of any amendment to be made to Annex V. If such an amendment results from the adoption of new legislation, such notice shall be given within three months from the date of publication of that legislation or, in the case of legislation published before the date of ratification or acceptance of this Agreement, on the date of that ratification or acceptance.

5. Where the legislation of a Contracting Party makes the repayment of contributions conditional upon the person concerned having ceased to be subject to compulsory insurance, that condition shall not be regarded as fulfilled so long as that person is subject to compulsory insurance under the legislation of any other Contracting Party.

Article 10

The rules governing changes in rates of benefit laid down in the legislation of a Contracting Party shall be applicable to benefits payable under such legislation in accordance with the provisions of this Agreement.

TITLE II. PROVISIONS WHICH DETERMINE THE LEGISLATION APPLICABLE

Article 11

1. A Rhine boatman shall be subject to the legislation of one Contracting Party only.

2. A Rhine boatman shall be subject to the legislation of the Contracting Party in whose territory the undertaking which owns the vessel referred to in Article 1, subparagraph (m), has its principal place of business and on board which the boatman follows his occupation.

However, if the principal place of business of that enterprise is not situated in the territory of a Contracting Party, the Rhine boatman shall be subject to the legislation of the Contracting Party in whose territory there is a branch or permanent agency of the said enterprise.

3. A Rhine boatman who uses his own boat shall be subject to the legislation of the Contracting Party in whose territory his undertaking has its principal place of business. If the principal place of business of his undertaking is not situated in the territory of any Contracting Party, he, and any other Rhine boatmen who follow their occupation on that vessel, shall be subject to the legislation of the Contracting Party in whose territory the place of registration, or the home port, of the said vessel is located.

4. An auxiliary worker shall be subject to the legislation of the Contracting Party in whose territory he is resident.

Article 12

1. The provisions of Article 11 shall not apply to voluntary insurance or optional continued insurance, except where, in respect of any of the branches of social security referred to in Article 3, paragraph 1, there exists only a scheme of voluntary insurance under the legislation of the Contracting Party concerned.

2. Where the application of the legislation of two or more Contracting Parties would result in affiliation to a compulsory insurance scheme and at the same time permit membership of one or more voluntary insurance or optional continued insurance schemes, the person concerned shall be subject exclusively to the compulsory insurance scheme. However, in respect of invalidity, old-age and death (pensions), the provisions of the legislation of any Contracting Party permitting simultaneous affiliation to a voluntary insurance or optional continued insurance scheme under that legislation and to a compulsory insurance scheme under the legislation of another Contracting Party shall not be affected.

3. Where the application of the legislation of two or more Contracting Parties would result in the possibility of membership of two or more voluntary insurance or optional continued insurance schemes, the person concerned shall be admitted solely to the voluntary insurance or optional continued insurance scheme of the Contracting Party in whose territory he is resident or of which he is a national.

Article 13

1. The competent authorities of two or more Contracting Parties may, by agreement, provide for exceptions to the provisions of Articles 11 and 12 in the interests of Rhine boatmen affected thereby.

2. The application of the provisions of the preceding paragraph shall, if need be, be subject to a request by the Rhine boatmen concerned and, where appropriate, by their employers. Moreover, such application shall be the subject of a decision by which the competent authority of the Contracting Party whose legislation is applicable confirms that the said boatmen are no longer subject to that legislation and will henceforth be subject to the legislation of another Contracting Party.

Article 14

Where, under the provisions of this Title, a Rhine boatman is subject to the legislation of a Contracting Party on whose territory he does not follow an occupational activity or is not resident, that legislation shall be applicable to him as if he followed an occupational activity or as if he were resident in the territory of that Party.

TITLE III. SPECIAL PROVISIONS GOVERNING THE VARIOUS CATEGORIES OF BENEFITS

Chapter I. Sickness and Maternity

Article 15

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of entitlement to benefits conditional upon the completion of periods of insurance, the

institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account, to the extent necessary, of periods of insurance completed under the legislation of any other Contracting Party as if they were periods of insurance completed under the legislation of the first Party.

2. Where the legislation of a Contracting Party makes the provision of benefits in kind to members of the family conditional upon their being personally insured, the institution which applies that legislation shall take account, for the application of the preceding paragraph to members of the family of a Rhine boatman, of periods of insurance completed by that boatman under the legislation of any other Contracting Party during which they were members of the family of the said Rhine boatman.

Article 16

1. A Rhine boatman who satisfies the conditions for entitlement to benefits under the legislation of the competent State, regard being had, where appropriate, to the provisions of Article 15, and

(a) whose condition necessitates the provision of benefits during temporary residence in the territory of a Contracting Party other than the competent State, or

(b) who, having become entitled to benefits payable by the competent institution, is authorised by that institution to transfer his residence to the territory of another Contracting Party other than the competent State, or

(c) who is authorised by the competent institution to go to the territory of a Contracting Party other than the competent State in order to receive the treatment required by his condition, shall receive—

(i) benefits in kind, provided at the expense of the competent institution of the place of residence or temporary residence, in accordance with the provisions of the legislation applied by the latter institution, as if he were affiliated to it, for a period not exceeding any period which may be prescribed by the legislation of the competent State;

(ii) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if he were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution, on behalf of the competent institution.

2. (a) The authorisation referred to in subparagraph (b) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the person concerned;

(b) the authorisation referred to in subparagraph (c) of the preceding paragraph shall not be refused when the requisite treatment cannot be given in the territory of the Contracting Party in which the person concerned resides.

3. The provisions of the preceding paragraphs of this Article shall apply, *mutatis mutandis*, to the members of the family in respect of benefits in kind.

Article 17

1. A Rhine boatman who resides in the territory of a Contracting Party other than the competent State and who satisfies the conditions for entitlement to benefits prescribed by the legislation of the latter State, regard being had, where appropriate, to the provisions of Article 15, shall receive, in the territory of the Contracting Party in which he is resident—

(a) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence in accordance with the legislation which the latter institution applies, as if he were affiliated to it;

(b) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if he resided in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence, cash benefits may also be paid through the latter institution on behalf of the competent institution.

2. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, in respect of benefits in kind of members of the family of a Rhine boatman who are resident in the territory of

a Contracting Party other than the competent State, in so far as they are not entitled to those benefits under the legislation of the Contracting Party in whose territory they reside.

3. Where a Rhine boatman or the members of his family referred to in paragraphs 1 and 2 of this Article are temporarily resident in the territory of the competent State, they shall be entitled to benefits in kind in accordance with the provisions of the legislation of that State, as if they were resident in its territory, even if they have already received benefits for the same case of sickness or maternity before beginning their temporary residence.

4. Where a Rhine boatman or the members of his family referred to in paragraphs 1 and 2 of this Article transfer their residence to the territory of the competent State, they shall be entitled to benefits in kind in accordance with the provisions of the legislation of that State, even if they have already received such benefits for the same case of sickness or maternity before transferring their residence.

Article 18

1. The provisions of Article 16, paragraphs 1 and 2, or of Article 17, paragraph 1, shall apply, as the case may be, to the Rhine boatman who becomes unemployed and who satisfies the conditions of the legislation of the competent State responsible for providing unemployment benefit, for entitlement to sickness and maternity benefits, regard being had, where appropriate, to the provisions of Article 15.

2. The provisions of Article 16, paragraph 3, or of Article 17, paragraph 2, shall apply, as the case may be, to the members of the family of the Rhine boatman referred to in the preceding paragraph.

3. The provisions of Article 17, paragraphs 3 and 4, shall apply to the Rhine boatman, and to the members of his family referred to in the preceding paragraphs of this Article.

Article 19

1. Where the legislation of a Contracting Party provides that the calculation of cash benefits shall be based on average earnings, the competent institution of that Party shall determine those average earnings exclusively on the basis of the earnings recorded during the periods of insurance completed under the said legislation.

2. Where the legislation of a Contracting Party provides that the amount of cash benefits shall vary with the number of members of the family, the competent institution of that Party shall take account also of members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first Party.

Article 20

1. An applicant for a pension to whom this Agreement applies and who satisfies the conditions for entitlement to benefits in kind under the legislation of a Contracting Party, having regard, as appropriate, to the provisions of Article 15, or who would be entitled to them if he were resident in the territory of that Party, shall receive such benefits, as well as the members of his family, in accordance with the provisions of Article 16 or Article 17, as the case may be, when those concerned are resident or temporarily resident in the territory of another Contracting Party.

2. The cost of benefits in kind provided under the provisions of the preceding paragraph shall be borne by the institution which collected the contributions relating to them: if a claimant to a pension is not obliged to pay contributions in order to be entitled to benefits in kind, the institution responsible for providing such benefits shall, after the pension claim has been settled, under the provisions of Article 21, refund to the institution of the place of residence, or to the institution of the place of temporary residence, the cost of the benefits provided.

3. The provisions of the preceding paragraphs of this Article shall not apply to a claimant to a pension, or to the members of his family, who are entitled to benefits in kind under the legislation of the Contracting Party to which they remain subject because of an occupational activity, or of the Contracting Party in whose territory they reside.

4. A claimant to a pension whose entitlement to benefits in kind derives from the legislation of a Contracting Party which requires the person concerned himself to pay the contributions in

respect of sickness insurance, during the examination of his claim to pension, ceases to be entitled to benefits in kind, for himself and for the members of his family, after the second month in respect of which he has not paid the contributions due.

Article 21

1. Where a person receiving a pension under the legislation of two or more Contracting Parties, to whom this Agreement is applicable, is entitled to benefits in kind under the legislation of the Contracting Party in whose territory he is resident, regard being had, as appropriate, to the provisions of Article 15, such benefits shall be provided for him and for the members of his family by the institution of the place of residence at its own expense, as if he were a pensioner under the legislation of the latter Party only.

2. Where a person receiving a pension under the legislation of a Contracting Party, or pensions under the legislation of two or more Contracting Parties, to whom this Agreement applies, is not entitled to benefits in kind under the legislation of the Contracting Party in whose territory he is resident, he shall nevertheless be entitled to such benefits for himself and for the members of his family, provided that he is entitled to them under the legislation of the former Party, or of one of the former Parties, regard being had, as appropriate, to the provisions of Article 15 and of Annex VIII, or if he would be entitled to them if he were resident in the territory of one of those Parties. The benefits in kind shall be provided by the institution of the place of residence, in accordance with the provisions of the legislation which it applies, as if the pensioner were entitled to the said benefits under that legislation, but the cost shall be borne by the institution as determined under the rules laid down in the following paragraph.

3. In the cases referred to in the preceding paragraph, the institution which shall bear the cost of the benefits in kind shall be determined in accordance with the following rules:

- (a) where the pensioner is entitled to the said benefits under the legislation of one Contracting Party only, the cost shall be borne by the competent institution of that Party;
- (b) where the pensioner is entitled to the said benefits under the legislation of two or more Contracting Parties, the cost shall be borne by the competent institution of the Contracting Party under whose legislation the pensioner completed the longest period of insurance or residence; if by virtue of this rule two or more institutions would be liable for the cost of the benefits, the cost shall be borne by the institution of the Contracting Party to whose legislation the pensioner was last subject.

4. Where the members of the family of a person receiving a pension under the legislation of a Contracting Party, or pensions under the legislation of two or more Contracting Parties, are resident in the territory of a Contracting Party other than that in which the pensioner himself resides, they shall receive benefits in kind as if the pensioner were resident in the same territory, provided that he is entitled to the said benefits under the legislation of a Contracting Party. Such benefits shall be provided by the institution of the place of residence of the members of the family, in accordance with the provisions of the legislation which that institution applies, as if they were entitled to the said benefits under that legislation, but the cost shall be borne by the institution of the place of residence of the pensioner.

5. Members of the family to whom the preceding paragraph applies who transfer their residence to the territory of the Contracting Party in which the pensioner resides shall be entitled to benefits under the provisions of the legislation of that Party, even if they have already received benefits for the same case of sickness or maternity before transferring their residence.

6. A person receiving a pension under the legislation of a Contracting Party, or pensions under the legislation of two or more Contracting Parties, who is entitled to benefits in kind under the legislation of one of those Parties, shall, together with the members of his family, be entitled to such benefits—

- (a) during temporary residence in the territory of a Contracting Party other than that in which they are resident, where their condition requires the immediate provision of benefits; or
- (b) where they have been authorised by the institution of the place of residence to go to the territory of a Contracting Party other than that in which they are resident, in order to receive the treatment required by their condition; the authorisation in question shall not be refused when the requisite treatment cannot be given in the territory of the Contracting Party in which the person concerned resides.

7. In the cases referred to in the preceding paragraph, the benefits in kind shall be provided

by the institution of the place of temporary residence, in accordance with the provisions of the legislation which it applies, as if the persons concerned were entitled to such benefits under that legislation, but the cost shall be borne by the institution of the place of residence of the pensioner.

8. Where the legislation of a Contracting Party provides for contributions to be deducted from the pension payable for the purpose of entitlement to benefits in kind, the institution of that Party, which pays the pension, shall be authorised to make such deductions if the cost of the benefits in kind is borne by an institution of the said Party by virtue of this Article.

9. The provisions of the preceding paragraphs of this Article shall, with the exception of paragraphs 6 and 7, not apply to a pensioner, or to the members of his family who are entitled to benefits in kind under the legislation of a Contracting Party to which they remain subject by reason of the exercise of an occupational activity or of the Contracting Party in whose territory they are resident.

Article 22

1. Where the legislation applied by the institution of the place of residence or temporary residence provides for two or more sickness and maternity insurance schemes, the rules to be applied in respect of the provision of benefits in kind in the cases covered by Article 16, paragraphs 1 and 3, Article 17, paragraphs 1 and 2, Article 18, paragraphs 1 and 2, Article 20, paragraph 1, and Article 21, paragraphs 2, 4 and 6, shall be those of the scheme for employed Rhine boatmen.

2. Where the legislation of a Contracting Party makes the provision of benefits in kind dependent on the origin of the sickness, that condition shall not apply to persons covered by this Agreement, irrespective of the territory of the Contracting Party in which they reside.

3. Where it is acknowledged that a Rhine boatman or a person receiving a pension is entitled, for himself or in respect of members of his family, to a prosthetic appliance, a major aid or other major benefits in kind by the institution of a Contracting Party prior to his new affiliation to the institution of another Contracting Party, he shall be entitled to such benefits at the expense of the first institution, even if they were granted when the person concerned was already affiliated to the second institution.

4. Where the legislation of a Contracting Party makes the provision of benefits in kind to members of the family of a Rhine boatman, to an unemployed person, to a claimant or to a person receiving a pension, and to the members of their families, conditional upon their being personally insured, the provisions of Articles 16, 17, 18, 20 and 21 shall not be applicable unless they are personally affiliated to an institution of that Party which provides corresponding benefits.

Article 23

1. The competent institution shall be bound to refund the full cost of benefits in kind provided on its behalf by the institution of the place of residence or of temporary residence under the provisions of this Chapter.

2. For the purposes of the refunds referred to in the preceding paragraph, charges shall not be higher than those provided for in the legislation which the creditor institution applies in respect of the provision of benefits in kind to nationals of the Contracting Party in whose territory it is situated.

3. The refunds to which paragraph 1 refers shall be determined and made in accordance with the arrangements provided in the administrative arrangement referred to in Article 96, paragraph 1, either on proof of actual expenditure, or on the basis of lump sums.

4. Two or more Contracting Parties, or their competent authorities, may agree on other arrangements for refunds, or agree that there shall be no refunds between the institutions in their jurisdiction.

5. The Contracting Parties shall notify the Administrative Centre within three months of any agreement concluded under the provisions of the preceding paragraph.

Chapter II. Invalidity, Old-Age and Death (Pensions)

Section 1: Common Provisions

Article 24

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, in the occupation of Rhine boatman, that person or his survivors shall be entitled to benefits in accordance with the provisions of this Chapter, even if such persons would be entitled to claim benefits under the legislation of one or more Contracting Parties without these provisions being applied.

2. However, the application of this Chapter shall be subject to the following conditions:

- (a) where benefits relating to invalidity or death are concerned, Rhine boatmen must have been subject to the legislation of a Contracting Party from the beginning of the incapacity for work followed by invalidity or at the time of death; otherwise, in order to be entitled to invalidity or death benefits by virtue of the legislation of any Contracting Party under which the provision of such benefits is conditional upon the completion of a period of insurance, the persons concerned must have completed, in the occupation of Rhine boatmen, periods of insurance totalling at least five years under the legislation of two or more Contracting Parties;
- (b) where old-age benefits are concerned, the persons concerned must have completed, in the occupation of Rhine boatmen, periods of insurance totalling at least five years under the legislation of two or more Contracting Parties.

3. The duration of insurance prescribed in subparagraph (b) of the preceding paragraph shall not be required where an invalidity pension is being converted into an old-age pension in accordance with the provisions of Article 31.

Section 2: Invalidity

Article 25

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties in the occupation of Rhine boatman and has completed periods of insurance exclusively under legislation in accordance with which the amount of invalidity benefits does not depend on the duration of periods of insurance, that person shall be entitled to benefits in accordance with the provisions of Article 27.

2. Annex VI specifies, in respect of each Contracting Party concerned, the legislation referred to in the preceding paragraph.

3. Each Contracting Party shall give notice, in accordance with the provisions of Article 97, paragraph 1, of any amendment to be made to Annex VI as a result of the adoption of new legislation. That notice shall be given within three months of the date of publication of the said legislation or, if that legislation is published before the date of ratification or acceptance of this Agreement, on the date of that ratification or acceptance.

Article 26

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of entitlement to benefits subject to the completion of periods of assurance, the institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account, to the extent necessary, of periods of insurance completed under the legislation of any other Contracting Party, as if they were periods of insurance completed under the legislation of the first Party.

2. Where the legislation of a Contracting Party makes the provision of certain benefits conditional upon the completion of periods of insurance in an occupation covered by a special scheme or, as appropriate, in a specific occupation or employment, only periods completed under a corresponding scheme, or failing that, in the same occupation or, where appropriate, in the same employment, under the legislation of other Contracting Parties, shall be taken into account for the award of such benefits. If, notwithstanding periods completed in this way, the person concerned does not satisfy the conditions for entitlement to the said benefits, such periods

shall be taken into account for the award of benefits under the scheme applicable to Rhine boatmen.

3. Where the legislation of a Contracting Party provides that the period during which a pension has been paid may be taken into account for the acquisition, maintenance or recovery of entitlement to benefits, the competent institution of that Party shall take account, to that end, of the period during which a pension was paid under the legislation of any other Contracting Party.

4. Where the legislation of a Contracting Party makes the provision of benefits in cash for educational or vocational training and for vocational retraining to the members of the family of a Rhine boatman, to an unemployed person, to a claimant, to a pensioner, or to a person receiving a pension, as also to the members of their families, subject to the condition that they should be personally insured, such persons shall not be entitled to the benefits concerned unless they are personally affiliated to an institution of that Party which provides corresponding benefits. In that case the provisions of Article 16, paragraph 1, subparagraphs (a), (b) or (c) (ii), and of Article 17, paragraph 1, subparagraph (b), shall be applicable, *mutatis mutandis*.

Article 27

1. The institution of the Contracting Party whose legislation was applicable when the incapacity for work followed by invalidity occurred shall determine, in accordance with the provisions of that legislation, if the person concerned satisfies the conditions for entitlement to benefits, regard being had, as appropriate, to the provisions of Article 26, paragraphs 1, 2 and 3.

2. The person concerned who satisfies those conditions shall obtain the benefits exclusively from the said institution, in accordance with the provisions of the legislation which it applies.

3. The person concerned who does not satisfy the conditions referred to in paragraph 1 of this Article shall receive the benefits to which he is still entitled under the legislation of another Contracting Party, regard being had, as appropriate, to the provisions of Article 26, paragraphs 1, 2 and 3.

4. Where the legislation applicable when the incapacity for work followed by invalidity occurred does not provide for invalidity benefits, the person concerned shall receive the benefits to which he is still entitled under the legislation of another Contracting Party, regard being had, as appropriate, to the provisions of Article 26, paragraphs 1, 2 and 3.

5. Where the legislation under which benefits are payable, in accordance with the provisions of paragraphs 2, 3 or 4 of this Article, provides that the amount of benefits shall vary with the number of members of the family, the competent institution shall take account also of members of the family who are resident in the territory of another Contracting Party, as if they were resident in the territory of the competent State.

Article 28

1. Where a person has been subject successively or alternately, in the occupation of Rhine boatman, to the legislation of two or more Contracting Parties of which one at least was not of the type referred to in Article 25, that person shall be entitled to benefits in accordance with the provisions of Section 3 of this Chapter, which shall be applicable *mutatis mutandis*.

2. However, the person concerned who has suffered an incapacity for work followed by invalidity when he was subject to a legislation referred to in Annex VI shall be entitled to benefits in accordance with the provisions of Article 27, on the twofold condition:

- that he satisfies the conditions prescribed by that legislation, or by other legislation of the same type, regard being had, as appropriate, to the provisions of Article 26, paragraphs 1, 2 and 3, but without having to include periods of insurance completed under legislation not mentioned in Annex VI, and
- that he does not satisfy the conditions for entitlement to benefits under legislation not mentioned in Annex VI.

3. (a) In order to determine the entitlement to benefits of a Rhine boatman under the legislation of a Contracting Party, specified in Annex VI, to which he had been subject, and which makes the provision of invalidity benefits conditional upon the person concerned having been in receipt of cash benefits in respect of sickness or having been incapable of work for a specified period, when he suffers incapacity for work followed by

invalidity while subject to the legislation of another Contracting Party, account shall be taken, without prejudice to the provisions of paragraph 1, of Article 25:

- (i) of any period during which he had received cash benefits for sickness or, in lieu of such, his wages in respect of that period of incapacity for work;
 - (ii) of any period during which he had received invalidity benefits for the invalidity which followed the said incapacity for work, under the legislation of the second Party, as if it were a period during which cash sickness benefits had been paid to him under the legislation of the first Party or during which he had been incapable of work within the meaning of that legislation;
- (b) Entitlement to invalidity benefits shall be established as regards the legislation of the first Contracting Party, when the preliminary period of compensation for sickness or of initial incapacity for work prescribed by that legislation ends and, at the earliest, on the date on which entitlement to invalidity benefit begins, or on which entitlement to cash sickness benefits ceases, under the legislation of the second Contracting Party.

Article 29

1. In the event of an aggravation of any invalidity for which a person is receiving benefits under the legislation of one Contracting Party only, the following provisions shall apply:

- (a) if the person concerned, since he began to receive benefits, has not been subject to the legislation of any other Contracting Party, the competent institution of the first Party shall be bound to award benefits, taking the aggravation into account, in accordance with the provisions of the legislation which that institution applies;
- (b) if the person concerned, since he began to receive benefits, has been subject to the legislation of one or more other Contracting Parties, benefits shall be awarded, taking the aggravation into account, in accordance with the provisions of Article 25, paragraph 1, or of Article 28, paragraphs 1 or 2, as the case may be;
- (c) in the case referred to in the preceding subparagraph, the date on which the aggravation was established shall be regarded as the date on which the contingency arose;
- (d) if, in the case referred to in subparagraph (b) of this paragraph, the person concerned is not entitled to benefits from the institution of another Contracting Party, the competent institution of the first Party shall be bound to award benefits, taking the aggravation into account and, as appropriate, the provisions of Article 26, paragraphs 1, 2 and 3 in accordance with the provisions of the legislation which that institution applies.

2. In the event of an aggravation of any invalidity for which a person is receiving benefits under the legislation of two or more Contracting Parties, benefits shall be awarded, taking the aggravation into account, in accordance with the provisions of Article 28, paragraph 1. The provisions of subparagraph (c) of the preceding paragraph shall apply, *mutatis mutandis*.

Article 30

1. Where, after the suspension of benefits, payment thereof is to be resumed, this shall be done by the institution or institutions which were liable for payment of the benefits at the time of their suspension, without prejudice to the provisions of Article 31.

2. Where, after the termination of benefits, the state of health of the person concerned justifies the award of further benefits, such benefits shall be awarded in accordance with the provisions of Article 25, paragraph 1, or of Article 28, paragraphs 1 or 2, as the case may be.

Article 31

1. Invalidity benefits shall, where appropriate, be converted into old-age benefits, on the conditions prescribed by the legislation of the Contracting Party or Parties under which they have been awarded and in accordance with the provisions of Section 3 of this Chapter.

2. Where, in the case referred to in Article 36, a recipient of invalidity benefits payable under the legislation of one or more of the Contracting Parties becomes entitled to old-age benefits, any institution liable for the payment of invalidity benefits which cannot yet be converted into old-age benefits shall continue to pay the recipient the benefits to which he is entitled under the legislation which it applies, until such time as the provisions of the preceding paragraph become applicable in respect of that institution.

3. However, if, in the case referred to in the preceding paragraph, invalidity benefits have been awarded in accordance with the provisions of Article 27, the institution which remains liable for the payment of such benefits may apply the provisions of Article 36, paragraph 1, subparagraph (a), as if the recipient of the said benefits satisfied the conditions of the legislation of the Contracting Party concerned for entitlement to old-age benefits by substituting for the theoretical amount referred to in Article 33, paragraph 2, the amount of invalidity benefits payable by that institution.

Section 3: Old-age and Death (Pensions)

Article 32

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of entitlement to benefits conditional upon the completion of periods of insurance, the institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account, to the extent necessary, of periods of insurance completed under the legislation of any other Contracting Party, as if they were periods of insurance completed under the legislation of the first Party.

2. Where the legislation of a Contracting Party makes the provision of certain benefits conditional upon the completion of periods of insurance in an occupation covered by a special scheme or, as the case may be, in a specified occupation or employment, only periods completed under a corresponding scheme, or failing that, in the same occupation or, as the case may be, the same employment, under the legislation of other Contracting Parties shall be taken into account for the provision of such benefits. If, notwithstanding periods completed in this way, the person concerned does not satisfy the conditions for entitlement to the said benefits, the periods concerned shall be taken into account for the provision of benefits under the scheme applicable to Rhine boatmen.

3. Where the legislation of a Contracting Party makes the provision of benefits conditional upon the person concerned or, where survivors' benefits are concerned, the deceased having been subject to that legislation at the time the contingency arose, that condition shall be regarded as fulfilled if the person concerned, or the deceased, as the case may be, was subject at that time to the legislation of another Contracting Party, or, failing that, if the person concerned or the survivor was entitled to corresponding benefits under the legislation of any other Contracting Party. However, that latter condition shall be deemed to be satisfied in the case referred to in Article 35, paragraph 1.

4. Where the legislation of a Contracting Party provides that the period during which a pension was paid may be taken into consideration for the acquisition, maintenance or recovery of entitlement to benefits, the competent institution of that Party shall, to that end, take account of any period during which a pension was paid under the legislation of any other Contracting Party.

Article 33

1. The institution of each Contracting Party to whose legislation a Rhine boatman has been subject shall determine, in accordance with the legislation which it applies, whether the person concerned satisfies the conditions for entitlement to benefits, having regard, where appropriate, to the provisions of Article 28, paragraph 3, and of Article 32.

2. If the person concerned satisfies those conditions, the said institution shall calculate the theoretical amount of the benefits he could claim if all the periods of insurance completed under the legislation of the Contracting Parties concerned, and taken into account, in accordance with the provisions of Article 32, had been completed exclusively under the legislation which it applies. However, in the case of benefits the amount of which does not depend on the length of periods completed, that amount shall be taken to be the theoretical amount referred to in this paragraph.

3. The said institution shall then calculate the actual amount of the benefit payable by it to the person concerned, on the basis of the theoretical amount calculated in accordance with the provisions of the preceding paragraph, in proportion to the ratio of the periods of insurance completed before the contingency arose, under the legislation which it applies, to the total of the periods of insurance completed before the contingency arose under the legislation of all the Contracting Parties concerned.

4. Where the total duration of the periods of insurance completed before the contingency

arose, under the legislation of all the Contracting Parties concerned, is greater than the maximum period prescribed for entitlement to full benefits by the legislation of one of those Parties, the competent institution of that Party shall take that maximum period into consideration, instead of the total of the said periods, for the application of the provisions of paragraphs 2 and 3 of this Article, but that method of calculation shall not oblige the said institution to pay benefits costing more than those provided for under the legislation which it applies.

5. Where the legislation of a Contracting Party provides that the amount of benefits or certain parts thereof shall be proportional to the periods of insurance completed, the competent institution of that Party may calculate those benefits or parts thereof directly solely on the basis of the periods completed under the legislation which it applies, notwithstanding the provisions of paragraphs 2 to 3 of this Article.

Article 34

1. For the calculation of the theoretical amount referred to in Article 33, paragraph 2—
 - (a) where the legislation of a Contracting Party provides that benefits shall be calculated on the basis of average earnings, an average contribution, an average increase or on the basis of the ratio of the claimant's gross earnings during the periods of insurance to the average gross earnings of all insured persons, other than apprentices, such average figures or ratios shall be determined by the competent institution of that Party solely on the basis of the periods of insurance under the legislation of the said Party or of the gross earnings received by the person concerned during those periods only;
 - (b) where the legislation of a Contracting Party provides that benefits shall be calculated on the basis of the amount of earnings, contributions or possible increases, the earnings, contributions or increases to be taken into account by the competent institution of that Party in respect of periods completed under the legislation of other Contracting Parties shall be determined on the basis of the average earnings, contributions or increases recorded for the periods completed under the legislation of the first Party;
 - (c) where the legislation of a Contracting Party provides that benefits shall be calculated on the basis of fixed earnings or a fixed amount, the earnings or the amount to be taken into account by the competent institution of that Party in respect of periods of insurance completed under the legislation of other Contracting Parties shall be equal to the fixed earnings or the fixed amount or, as appropriate, to the average of fixed earnings or fixed amounts corresponding to the periods of insurance completed under the legislation of the first Party;
 - (d) where the legislation of a Contracting Party provides that benefits shall be calculated, in respect of certain periods, on the basis of earnings and, in respect of other periods, on the basis of fixed earnings or a fixed amount, the competent institution of that Party shall take into account, in respect of periods completed under the legislation of other Contracting Parties, the earnings or amounts determined in accordance with the provisions of subparagraph (b) or subparagraph (c) of this paragraph, as appropriate; where in respect of all the periods completed under the legislation of the first Party the benefits are calculated on the basis of a fixed amount or fixed earnings, the earnings to be taken into account by the competent institution of that Party, in respect of periods of insurance completed under the legislation of other Contracting Parties, shall be equal to the notional earnings corresponding to the said fixed earnings or fixed amount.

2. Where the legislation of a Contracting Party embodies rules providing for the revaluation of the factors taken into account for the calculation of benefits, these rules shall apply, where appropriate, to the factors taken into account by the competent institution of that Party, in accordance with the provisions of the preceding paragraph, in respect of periods of insurance completed under the legislation of other Contracting Parties.

3. Where the legislation of a Contracting Party provides that the amount of benefits shall vary with the number of members of the family, the competent institution of that Party shall take account also of the members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first Party.

Article 35

1. Notwithstanding the provisions of Article 33, where the total duration of the periods of insurance to be taken into consideration under the legislation of one Contracting Party only is

less than one year, and where, taking into account only those periods, no entitlement to benefits exists under that legislation, the institution of the Party concerned shall not be bound to award benefits in respect of the said periods.

2. The periods referred to in the preceding paragraph shall be taken into account by the institution of each of the other Contracting Parties concerned, for the purpose of the application of the provisions of Article 33, with the exception of those of paragraphs 3 and 5 thereof.

3. However, where the application of the provisions of paragraph 1 of this Article would have the effect of relieving all the institutions concerned of the obligation to award benefits, the person concerned shall receive benefits exclusively under the legislation of the last Contracting Party whose conditions he satisfies, regard being had to the provisions of Article 32, as if all the periods referred to in paragraph 1 of this Article had been completed under the legislation of that Party.

Article 36

1. If the person concerned does not, at a given date, satisfy the conditions required by the legislation of all the Contracting Parties concerned, regard being had to the provisions of Article 32, but satisfies the conditions of the legislation of only one or more of them, the following provisions shall apply—

(a) the amount of the benefits payable shall be calculated in accordance with the provisions of paragraphs 2 and 3 or of paragraph 5 of Article 33, as the case may be, by each of the competent institutions applying legislation the conditions of which are fulfilled;

(b) however—

(i) if the person concerned satisfies the conditions of the legislation of at least two Contracting Parties without any need to include periods of insurance completed under the legislation the conditions of which are not fulfilled, such periods shall not be taken into account for the purpose of applying the provisions of paragraphs 2 and 3 of Article 33;

(ii) if the person concerned satisfies the conditions of the legislation of one Contracting Party only, without any need to invoke the provisions of Article 32, the amount of the benefits payable shall be calculated solely in accordance with the provisions of the legislation the conditions of which are fulfilled, taking account of periods completed under that legislation only.

2. Benefits awarded under the legislation of one or more of the Contracting Parties concerned in the case referred to in the preceding paragraph shall be recalculated *ex officio*, in accordance with the provisions of Article 33, as and when the conditions prescribed by the legislation of one or more of the other Contracting Parties concerned are fulfilled, regard being had, where appropriate, to the provisions of Article 32.

3. Benefits awarded under the legislation of two or more Contracting Parties shall be recalculated in accordance with the provisions of paragraph 1 of this Article, either *ex officio* or at the request of the persons concerned, when the conditions prescribed by the legislation of one or more of the Contracting Parties concerned cease to be fulfilled.

Article 37

1. Where the amount of the benefits a person would be entitled to claim under the legislation of a Contracting Party, disregarding the provisions of Articles 32 to 36, is greater than the total benefits payable in accordance with those provisions, the competent institution of that Party shall pay a supplement equal to the difference between the two amounts, and shall bear the whole cost thereof.

2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the person concerned to supplements from the institutions of two or more Contracting Parties, he shall receive only that which is the largest.

3. The supplement referred to in the preceding paragraphs of this Article shall be determined once and for all, except where it may be necessary to recalculate benefits in application of the provisions of this Chapter. For the application of the provisions of Article 38, paragraph 1, this supplement shall be regarded as a component of the benefits provided by the institution liable for payment.

Article 38

1. If, by reason of an increase in the cost of living, variations of income levels or other causes of adjustment, the benefits payable under the legislation of a Contracting Party are altered by a percentage or a specified amount, the benefits payable under that legislation, in application of the provisions of this Agreement, shall be altered directly by the same percentage or by the same amount without it being necessary to recalculate them in accordance with the provisions of Articles 32 to 37.

2. On the other hand, if the method of determining or rules for the calculation of benefits are changed, they shall be recalculated in accordance with the provisions of Articles 32 to 37.

Article 39

The provisions of Article 31, paragraphs 1 and 2, shall apply *mutatis mutandis* where benefits of the surviving spouse are converted into old-age benefits.

Chapter III. Occupational Injuries and Diseases

Article 40

1. A Rhine boatman who has sustained an occupational injury or contracted an occupational disease,

- (a) who is temporarily resident in the territory of a Contracting Party other than the competent State, or
 - (b) who, having become entitled to benefits payable by the competent institution is authorised by that institution to transfer his residence to the territory of a Contracting Party other than the competent State, or
 - (c) who is authorised by the competent institution to go to the territory of a Contracting Party other than the competent State in order to receive the treatment required by his condition, shall receive—
 - (i) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence or temporary residence in accordance with the provisions of the legislation applied by the latter institution, as if he were affiliated to it, for a period not exceeding any period which may be prescribed by the legislation of the competent State;
 - (ii) cash benefits, paid by the competent institution, in accordance with the provisions of the legislation which it applies, as if he were in the territory of the competent State. However, by agreement between the competent institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution on behalf of the competent institution.
2. (a) The authorisation referred to in subparagraph (b) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the person concerned;
- (b) the authorisation referred to in subparagraph (c) of the preceding paragraph shall not be refused when the requisite treatment cannot be given in the territory of the Contracting Party in which the person concerned resides.

Article 41

1. A Rhine boatman who resides in the territory of a Contracting Party other than the competent State and who sustains an occupational injury or contracts an occupational disease shall be entitled to receive in the territory of the Contracting Party in which he is resident—

- (a) benefits in kind provided at the expense of the competent institution by the institution of the place of residence, in accordance with the provisions of the legislation which the latter institution applies, as if he were affiliated to it;
- (b) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if he were resident in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence, cash benefits may also be paid through the latter institution on behalf of the competent institution.

2. A Rhine boatman to whom the preceding paragraph applies and who is temporarily resident in the territory of the competent State, shall be entitled to benefits in kind in accordance with the provisions of the legislation of that State as if he were resident in its territory, even if he was already receiving such benefits before taking up his temporary residence.

3. A Rhine boatman to whom paragraph 1 of this Article applies who transfers his residence to the territory of the competent State shall receive benefits in kind according to the provisions of the legislation of that State, even if he was already in receipt of such benefits before transferring his residence.

Article 42

The provisions of Article 40 or of Article 41 shall apply, as appropriate, to the Rhine boatman who, having become unemployed, sustains an injury which could be regarded as an occupational injury, in accordance with the legislation of the competent State responsible for paying unemployment benefit.

Article 43

An accident on the way to or from work which happens in the territory of a Contracting Party other than the competent State shall be regarded as having happened in the territory of the competent State.

Article 44

1. If a Rhine boatman having contracted an occupational disease has followed, under the legislation of two or more Contracting Parties, an occupation liable to cause such a disease, the benefits to which he or his survivors may be entitled shall be awarded exclusively under the legislation of the last of the said Parties the conditions of which he fulfils, regard being had, where appropriate, to the provisions of paragraphs 2, 3 and 4 of this Article.

2. Where the legislation of a Contracting Party makes entitlement to benefits for occupational diseases conditional upon the disease in question being first diagnosed in its territory, that condition shall be deemed to have been fulfilled if this disease was first diagnosed in the territory of another Contracting Party.

3. Where the legislation of a Contracting Party explicitly or implicitly makes entitlement to benefits for occupational diseases conditional upon the disease in question being diagnosed within a specified period after the termination of the last occupation liable to have caused it, the competent institution of that Party, when ascertaining the time at which the occupation in question was followed, shall take account, to the extent necessary, of any occupation of the same kind followed under the legislation of any other Contracting Party, as if it had been followed under the legislation of the first party.

4. Where the legislation of a Contracting Party explicitly or implicitly makes entitlement to benefits for occupational diseases conditional upon an occupation liable to cause the disease in question having been followed for a specified period, the competent institution of that Party shall take account, to the extent necessary, for the purpose of adding periods together, of periods during which such an occupation was followed in the territory of any other Contracting Party.

Article 45

Where a Rhine boatman having contracted an occupational disease has received or is receiving benefits paid by the institution of a Contracting Party, and, in the event of an aggravation of his condition, claims benefits from the institution of another Contracting Party, the following provisions shall apply—

- (a) where the boatman, since the award of those benefits, has not followed, under the legislation of the second Party, an occupation liable to cause or to aggravate the disease in question, the competent institution of the first Party shall bear the cost of the benefits, taking the aggravation into account, in accordance with the provisions of the legislation which it applies, even if the boatman is no longer subject to that legislation or does not reside in the territory of that Party;
- (b) where the boatman, since the award of benefits, has followed such an occupation under the legislation of the second Party, the competent institution of the first Party shall bear the cost

of the benefits, leaving the aggravation out of account, in accordance with the provisions of the legislation which it applies; the competent institution of the second Party shall award to the boatman concerned a supplementary benefit the amount of which shall be equal to the difference between the amount of benefits due after the aggravation and the amount of the benefits which would have been due before the aggravation, in accordance with the provisions of the legislation which that institution applies, if the disease in question had been contracted under the legislation of that Party;

- (c) where, in the case referred to in the preceding subparagraph, the boatman concerned is not entitled to benefits under the legislation of the second Party, the competent institution of the first Party shall pay the benefits, taking into account the aggravation, in accordance with the provisions of the legislation which it applies, even if the boatman is no longer subject to that legislation or does not reside in the territory of that Party.

Article 46

1. Where the legislation of a Contracting Party provides that the calculation of cash benefits shall be based on average earnings, the competent institution of that Party shall determine those average earnings exclusively on the basis of earnings recorded during the periods of insurance completed under the said legislation.

2. Where the legislation of a Contracting Party provides that the amount of cash benefits shall vary with the number of members of the family, the competent institution of that Party shall take account also of members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first Party.

Article 47

1. Where the legislation of the competent State provides for the payment of the cost of transporting the injured boatman to his place of residence or to hospital, the cost of transport to the corresponding place in the territory of another Contracting Party where he is resident shall be borne by the competent institution, in accordance with the provisions of the legislation which it applies, provided that it has given prior authorisation for the said transport, due account being taken of the reasons justifying it.

2. Where the legislation of the competent State provides for the payment of the cost of transporting the body of a deceased boatman to the place of burial, the cost of transport to the corresponding place in the territory of another Contracting Party where the deceased was resident shall be borne by the competent institution, in accordance with the provisions of the legislation which it applies.

Article 48

1. Where no insurance scheme covering occupational injuries or diseases exists in the territory of the Contracting Party where the boatman happens to be, or where an insurance scheme exists but has no institution responsible for the provision of benefits in kind, such benefits shall be provided by the institution of the place of residence or temporary residence responsible for providing benefits in kind in the event of sickness under the scheme to which employed Rhine boatmen belong.

2. Where the legislation of the competent State embodies an employers' liability scheme in respect of compensation for industrial accidents, the benefits in kind provided in the cases referred to in Article 40, paragraph 1, and in Article 41, paragraph 1, shall be deemed to have been provided at the request of the competent institution.

3. Where the legislation applied by the institution of the place of residence or temporary residence embodies two or more compensation schemes, the rules to be applied in respect of the provision of benefits in kind, in the cases referred to in Article 40, paragraph 1, and in Article 41, paragraph 1, shall be those of the scheme for employed Rhine boatmen.

4. Where the legislation of the competent State provides that benefits in kind shall not be completely free unless use is made of the medical service organised by the employer, the benefits in kind provided in the cases referred to in Article 40, paragraph 1, and in Article 41, paragraph 1, shall be deemed to have been provided by such medical service.

5. Where the legislation of one Contracting Party explicitly or implicitly provides that

previous occupational injuries or diseases shall be taken into account for entitlement to benefits or in the assessment of the degree of incapacity, the competent institution of that Party shall also take into account for this purpose occupational injuries or diseases previously recognised in accordance with the legislation of any other Contracting Party, as if they had occurred under the legislation which that institution applies.

Article 49

1. The competent institution shall be bound to refund in full the cost of benefits in kind provided on its behalf by the institution of the place of residence or temporary residence by virtue of the provisions of Article 40, paragraph 1, Article 41, paragraph 1, and Article 42.

2. For the purposes of the refunds referred to in the preceding paragraph, charges shall not be higher than those provided for in the legislation which the creditor institution applies for the provision of benefits in kind to nationals of the Contracting Party in whose territory it is situated.

3. The refunds referred to in paragraph 1 of this Article shall be determined and made in the manner prescribed by the administrative arrangement referred to in Article 96, paragraph 1, either on proof of actual expenses incurred or by lump sum.

4. Two or more Contracting Parties or their competent authorities may agree on other arrangements for refunds or agree that there shall be no refunds between the institutions in their jurisdiction.

5. The Contracting Parties shall notify the Administrative Centre within three months of any agreement concluded between them by virtue of the preceding paragraph.

Chapter IV. Death (Grants)

Article 50

Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of entitlement to death grants conditional upon the completion of periods of insurance, the institution which applies that legislation shall, to that end, for the purpose of adding periods of insurance together, take account, to the extent necessary, of periods of insurance completed under the legislation of any other Contracting Party, as if they were periods of insurance completed under the legislation of the first Party.

Article 51

1. Where a Rhine boatman, an unemployed boatman, or an applicant for or recipient of a pension or a member of their families, to whom this Agreement applies, dies in the territory of a Contracting Party other than the competent State, the death shall be deemed to have occurred in the territory of the latter State.

2. The competent institution shall provide death grants due under the legislation which it applies, even if the beneficiary is in the territory of a Contracting Party other than the competent State.

3. The provisions of the preceding paragraphs of this Article shall apply also where death results from an occupational injury or disease.

Article 52

1. In the event of the death of a person receiving a pension under the legislation of a Contracting Party, or pensions under the legislation of two or more Contracting Parties, the death grants provided for in such a case by the legislation of the Contracting Party responsible for the provision of benefits in kind for sickness to such a pensioner, under the provisions of Article 21, shall be paid by the competent institution of that Party, even if the said pensioner was not residing in the territory of the said Party at the time of his death.

2. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, to the members of the pensioner's family.

Article 53

Where the legislation of a Contracting Party makes the provision of a death grant for members of the family conditional upon their being personally insured, the provisions of Articles 51 and 52 shall apply to members of the family of a Rhine boatman subject to that legislation, of an unemployed boatman, of an applicant for a pension or of a pensioner entitled to receive benefits in kind for sickness under that legislation, only if they were personally affiliated either to the same institution of the said Party as that Rhine boatman, that unemployed boatman, that applicant or that pensioner, as the case may be, or to another institution of the said Party which grants corresponding benefits.

Chapter V. Unemployment

Article 54

The provisions of this chapter are applicable only to employed Rhine boatmen.

Article 55

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of entitlement to benefits conditional upon the completion of periods of insurance, the institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account, to the extent necessary, of periods of insurance, or employment completed under the legislation of any other Contracting Party, as if they were periods completed under the legislation of the first Party; however, periods of employment shall be added together only on condition that they would have been considered as periods of insurance in accordance with the legislation of the first Party if they had been completed under that legislation.

2. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of entitlement to benefits conditional upon the completion of periods of employment, the institution which applies that legislation shall, to that end, take account, to the extent necessary, for the purpose of adding periods together, of periods of insurance or employment completed under the legislation of any other Contracting Party, as if they were periods completed under the legislation of the first Party; however, periods of employment shall be added together only on condition that they would have been taken into account for the same purpose in accordance with the legislation of the first Party if they had been completed under that legislation.

3. The application of the provisions of the preceding paragraphs of this Article is subject to the condition that the Rhine boatman who has become unemployed was last subject to the legislation of the Contracting Party under which the benefits are claimed, except in the case referred to in Article 57.

Article 56

An unemployed Rhine boatman who, during his last employment, was resident in the territory of a Contracting Party other than the competent State and who remains available to his employer or to the employment services of that State, as the case may be, shall receive benefits in accordance with the provisions of the legislation of the said State, as if he were resident in its territory, regard being had, where appropriate, to the provisions of paragraph 1 or paragraph 2 of Article 55. Such benefits shall be paid by the competent institution.

Article 57

A wholly unemployed Rhine boatman who, during his last employment, was resident in the territory of a Contracting Party other than the competent State and who makes himself available to the employment services of that Party shall receive benefits in accordance with the provisions of the legislation of the said Party, as if he had been subject to that legislation during his last employment, regard being had, where appropriate, to the provisions of paragraph 1 or paragraph 2 of Article 55. Such benefits shall be paid by the institution of the place of residence and at its expense.

Article 58

Where the legislation of a Contracting Party prescribes a maximum period for the award of benefits, the institution which applies that legislation may, where appropriate, take account of any period during which benefits have already been paid by the institution of another Contracting Party since entitlement to benefits was last established.

Article 59

1. Where the legislation of a Contracting Party provides that the calculation of benefits shall be based on the amount of previous earnings, the institution which applies that legislation shall take account exclusively of the earnings of the person concerned in the last occupation which he followed immediately before becoming unemployed under the legislation of that Party, or, if he was not last employed under that legislation for at least four weeks, of the corresponding normal wage, at his place of residence in the territory of the said Party, for work equivalent or similar to his last occupation under the legislation of another Contracting Party.

2. Where the legislation of a Contracting Party provides that the amount of benefits shall vary with the number of members of the family, the institution which applies that legislation shall take account also of the members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first Party; however, account shall not be taken of those members of the family who have already been taken into account for the calculation of unemployment benefits payable to a beneficiary of the same family under the legislation of another Contracting Party.

3. Where the legislation of a Contracting Party provides that the time during which benefits are payable shall depend on the length of periods completed, the institution which applies that legislation shall determine the time during which benefits are payable with due regard, where appropriate, to the provisions of paragraph 1 or paragraph 2 of Article 55.

Chapter VI. Family Benefits

Article 60

Where the legislation of a Contracting Party makes entitlement to benefits conditional upon the completion of periods of employment or occupational activity, the institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account, to the extent necessary, of periods of employment, or occupational activity completed under the legislation of any other Contracting Party, as if they were periods completed under the legislation of the first Party.

Article 61

1. Annex VII specifies for each Contracting Party which of sections 1 or 2 of this Chapter it chooses to apply.

2. The competent institution of the Contracting Party to whose legislation a Rhine boatman is subject applies the provisions of sections 1, 3 and 4 of this Chapter if that Contracting Party is listed in Annex VII (1), or the provisions of sections 2, 3 and 4 of this Chapter if that Contracting Party is listed in Annex VII (2).

3. Each Contracting Party shall give notice, in accordance with the provisions of Article 97, paragraph 1, of any amendment to be made to Annex VII.

Section 1

Article 62

1. A Rhine boatman subject to the legislation of a Contracting Party shall be entitled, account being taken, where appropriate, of the provisions of Article 60—

(a) to family benefits provided by the legislation of that Party in respect of the members of his family who are with him on board a vessel referred to in Article 1, subparagraph (m), as if they were resident in the territory of the said Party;

- (b) to family benefits provided under the legislation of another Contracting Party in respect of members of his family who reside in the territory of the latter Party, as if the Rhine boatman were subject to that legislation.
2. (a) in the case referred to in subparagraph (a) of the preceding paragraph, the benefits shall be paid by the competent institution of the Contracting Party to whose legislation the Rhine boatman is subject;
- (b) in the case referred to in subparagraph (b) of the preceding paragraph, the benefits shall be paid by the institution of the place of residence of the members of the family, in accordance with the provisions of the legislation which that institution applies, the cost being borne by the competent institution, without prejudice to the provisions of Article 70. However, where, in application of that legislation, the benefits should be paid to the boatman, they may nevertheless be paid to the physical or legal person who actually looks after the members of the family at their place of residence, or, as appropriate, directly to the latter.

Article 63

1. A Rhine boatman who has become unemployed and who receives unemployment benefit by virtue of the legislation of a Contracting Party shall be entitled, account being taken, as appropriate, of the provisions of Article 60, in respect of the members of his family who reside in the territory of another Contracting Party, to family benefits provided under the legislation of that latter Party, as if he were subject to that legislation.

2. In the case referred to in the preceding paragraph, benefits shall be paid by the institution of the place of residence of members of the family, in accordance with the provisions of the legislation which that institution applies, the cost being borne by the competent institution, without prejudice to the provisions of Article 70. However, where, in application of that legislation, the benefits should be paid to the boatman, they may nevertheless be paid to the physical and legal person who actually looks after the members of the family at their place of residence, or, as appropriate, directly to the latter.

Section 2

Article 64

1. A Rhine boatman subject to the legislation of a Contracting Party shall be entitled, taking into account, as appropriate, the provisions of Article 60, in respect of members of his family who are with him on board the vessel referred to in Article 1, subparagraph (m), or who are resident in the territory of another Contracting Party, to family allowances provided under the legislation of the first Party, as if they were resident in the territory of that Party.

2. In the case referred to in the preceding paragraph, family allowances shall be paid in accordance with the provisions of the legislation of the Contracting Party to which the Rhine boatman is subject. If these allowances are not used for the support of the children they may be paid, with legal effect, to the physical or legal person who actually looks after those children, through the institution of their place of residence or the institution appointed or the organisation nominated for that purpose by the competent authority of their country of residence.

Article 65

1. An unemployed Rhine boatman drawing unemployment benefit under the legislation of a Contracting Party shall be entitled, regard being had, as appropriate, to the provisions of Article 60, in respect of the members of his family who are resident in the territory of another Contracting Party, to family allowances provided under the legislation of the first Party, as if they were resident in the territory of that Party.

2. In the case referred to in the preceding paragraph, the family allowances shall be paid in accordance with the provisions of the legislation of the Contracting Party by virtue of which the Rhine boatman draws unemployment benefit. If these allowances are not used for the support of the children they may be paid, with legal effect, to the physical or legal person who actually looks after those children, through the institution of their place of residence or the institution appointed or the organisation nominated for that purpose by the competent authority of their country of residence.

Section 3

Article 66

1. Persons in receipt of pensions to whom this Agreement applies shall be entitled to family benefits or family allowances in accordance with the rules set out in the following paragraphs of this Article, on condition that they can claim such benefits by virtue of the legislation of one at least of the Contracting Parties under which a pension is payable.

2. A person receiving a pension under the legislation of only one Contracting Party shall be entitled to family benefits provided under that legislation in respect of the members of his family who are resident in the territory of that Party, and to family allowances provided by the said legislation in respect of his children who are resident in the territory of another Contracting Party, whatever may be the place of residence of the pensioner.

3. (a) A person receiving pensions under the legislation of two or more Contracting Parties shall be entitled to family benefits provided under the legislation of that Party in whose territory he is resident, in respect of the members of his family who are resident in the territory of the same Party, and to family allowances provided by the said legislation in respect of children who are resident in the territory of another Contracting Party, as if he had been subject to that legislation only;
- (b) where no entitlement arises under the legislation of the Contracting Party specified in the preceding subparagraph or where the pensioner is resident in the territory of a Contracting Party under whose legislation no pension is payable, that pensioner shall be entitled, in respect of his children who are resident in the territory of a Contracting Party, to family allowances provided under the legislation of the Contracting Party to which he has been subject the longest, as if he had been subject to that legislation only;
- (c) where no entitlement arises under the legislation of the Contracting Party determined under the preceding subparagraph, the conditions for entitlement shall be examined with reference to the legislation of the other Contracting Parties to which the pensioner has been subject, in descending order of duration of the periods completed by him under the legislation of those Parties;
- (d) where, in application of the rules laid down in subparagraphs (b) and (c) of this paragraph, entitlement arises under the legislation of two or more Contracting Parties, the pensioner shall be entitled to the family allowances provided under the legislation of that Party to which he was last subject.

Article 67

1. The orphans of a deceased Rhine boatman shall be entitled to family benefits or to family allowances in accordance with the rules set out in the following paragraphs of this Article, on condition that entitlement to such benefits arises, regard being had, as appropriate, to the provisions of Article 60, under the legislation of one at least of the Contracting Parties to which that boatman had been subject.

2. The orphan of a deceased Rhine boatman who had been subject to the legislation of a single Contracting Party only shall be entitled to family benefits provided under that legislation if he is resident in the territory of that Party or, if not, to family allowances provided under the said legislation.

3. (a) The orphan of a deceased Rhine boatman who had been subject to the legislation of two or more Contracting Parties shall be entitled to family benefits provided under the legislation of that Party in whose territory he is resident, as if the boatman had been subject to that legislation only;
- (b) where no entitlement arises under the legislation of the Contracting Party specified in the preceding subparagraph or where the orphan is resident in the territory of a Contracting Party to whose legislation the deceased Rhine boatman was not subject, that orphan shall be entitled to the family allowances provided under the legislation of the Contracting Party to which the deceased Rhine boatman had been subject the longest, as if he had been subject to that legislation only;
- (c) where no entitlement arises under the legislation of the Contracting Party specified in the preceding subparagraph, the conditions for entitlement shall be examined with reference to the legislation of the other Contracting Parties to which the deceased Rhine boatman had

been subject, in descending order of duration of the periods completed by him under the legislation of those Parties;

- (d) where, in application of the rules set out in subparagraphs (b) and (c) of this paragraph, entitlement arises under the legislation of two or more Contracting Parties, the orphan shall be entitled to family allowances provided by the legislation of that Party to which the deceased Rhine boatman was last subject.

Article 68

The orphans of a pensioner to whom this Agreement was applicable prior to his death shall be entitled to family benefits or to family allowances provided under the legislation of the Contracting Party by virtue of which that pensioner received family benefits or family allowances during his lifetime in application of the provisions of Article 66, provided that entitlement to such benefits arises under that legislation. Such orphans shall be entitled to the family benefits provided under the said legislation if they are resident in the territory of that Party or, if not, to the family allowances provided under the said legislation.

Article 69

In the cases referred to in Articles 66 to 68, the family benefits or the family allowances shall be provided, in accordance with the provisions of the legislation of the Contracting Party determined in accordance with those Articles, by the competent institution of that Party and at its expense, even if the physical and legal person to whom the benefits are payable resides or is temporarily resident in the territory of another Contracting Party. In that case, if the said benefits are not used for the maintenance of the members of the family, they may be paid, with legal effect, to the physical and legal person who actually looks after those members of the family, through the institution of their place of residence or the institution appointed or the organisation nominated for that purpose by the competent authority of their country of residence.

Section 4

Article 70

1. The competent institution shall be bound to refund the cost of benefits provided on its behalf under the provisions of this Chapter provided they are benefits recognised under the administrative arrangement referred to in Article 96, paragraph 1, as corresponding to those which are provided under the legislation which that institution applies.

2. The refunds to which the preceding paragraph refers shall be determined and made in accordance with the arrangements provided for in the administrative arrangement referred to in Article 96, paragraph 1, either on proof of actual expenditure, or on the basis of lump sums.

3. Two or more Contracting Parties, or their competent authorities, may agree on other arrangements for refunds, or agree that there shall be no refunds between the institutions in their jurisdiction.

4. The Contracting Parties shall notify the Administrative Centre within three months of any agreement concluded between them under the provisions of the preceding paragraph.

TITLE IV. ADMINISTRATIVE CENTRE FOR THE SOCIAL SECURITY OF RHINE BOATMEN

Article 71

1. The Administrative Centre for the Social Security of Rhine Boatmen shall, for each Contracting Party, consist of two representatives of the Government, one representative of the employers of the Rhine water transport system and one representative of the employed Rhine boatmen. It shall establish its own regulations. The Chairmanship of the Administrative Centre shall be held by a Government representative.

2. The non-governmental representatives shall be appointed by the Governments in agreement with the most representative organisations of Rhine water transport employers and of employed Rhine boatmen.

3. The Administrative Centre shall receive technical assistance from the International Labour Office, within the framework of agreements concluded to that effect between the Central Commission for Rhine Navigation and the International Labour Office.

4. The seat of the Administrative Centre shall be established at the seat of the Central Commission for Rhine Navigation.

5. The secretariat of the Administrative Centre shall be established by the general secretariat of the Central Commission for Rhine Navigation. The Secretary in charge of the secretariat of the Administrative Centre shall be appointed by agreement between the Administrative Centre and the Central Commission for Rhine Navigation.

Article 72

1. The Administrative Centre shall be responsible for—

- (a) all questions of interpretation or application of the provisions of this Agreement, of the administrative arrangement referred to in Article 96, paragraph 1, and of any agreement or arrangement concluded within the framework of those instruments, without prejudice to the right or to the obligation of the authorities, institutions and persons concerned to have recourse to the procedures and to the jurisdictions provided under the legislation of the Contracting Parties and this Agreement;
- (b) assisting persons concerned with the application of this Agreement, in particular Rhine boatmen and members of their families with a view to the practical settlement of individual cases, in liaison with the competent authorities and institutions of the Contracting Parties concerned;
- (c) exercising any other function falling within its competence by virtue of the provisions of this Agreement and of the administrative arrangement referred to in Article 96, paragraph 1, and of any other agreement or arrangement concluded within the framework of those instruments;
- (d) presenting proposals to the competent authorities of the Contracting Parties for revision of this Agreement and of the administrative arrangements referred to in Article 96, paragraph 1.

2. (a) Decisions on the questions of interpretation referred to in subparagraph (a) of the preceding paragraph must be unanimous;

- (b) questions of application referred to in subparagraph (a) of the preceding paragraph shall be decided by a majority, with the agreement of all the Contracting Parties concerned.

TITLE V. MISCELLANEOUS PROVISIONS

Article 73

1. Except for benefits in respect of invalidity, old age, survivors or occupational disease which are paid by the institutions of two or more Contracting Parties in accordance with the provisions of Article 33, or Article 45, subparagraph (b), this Agreement shall not confer or maintain entitlement to several benefits of the same nature relating to one and the same period of compulsory insurance.

2. Provisions in the legislation of a Contracting Party for the reduction, suspension or termination of benefits where there is overlapping with other benefits or other income, or because of an occupational activity, shall apply also to a beneficiary in respect of benefits acquired under the legislation of another Contracting Party or in respect of income obtained, or occupation followed, in the territory of another Contracting Party. This rule shall not, however, apply to benefits of the same nature payable in respect of invalidity, old age, survivors, or occupational disease by the institutions of two or more Contracting Parties in accordance with the provisions of Article 33 or of Article 45, subparagraph (b).

Article 74

Where a person in receipt of benefit under the legislation of one Contracting Party is also entitled to benefits under the legislation of one or more of the other Contracting Parties, the following rules shall apply—

- (a) where the application of the provisions of Article 73, paragraph 2, would entail the concomitant termination of such benefits none of them may be reduced, suspended or terminated to an extent greater than the amount which would be obtained by dividing the sum affected by the reduction, suspension or termination in accordance with the legislation under which benefit is due by the number of benefits subject to reduction, suspension or termination to which the beneficiary is entitled;
- (b) nevertheless, where the benefits concerned are invalidity, old-age or survivors' benefits paid out in conformity with the provisions of Article 33 by the institution of a Contracting Party, that institution shall take account of the benefits, income or remuneration entailing the reduction, suspension or termination of the benefits due from it solely for the purposes of the reduction, suspension or termination of the amount referred to in Article 33, paragraph 3 or paragraph 5, but not for the calculation of the theoretical amount referred to in the said Article 33, paragraph 2; however, account shall be taken of such benefits, income or remuneration only to the extent of that fraction of their amount corresponding to the ratio of the periods completed, as prescribed in Article 33, paragraph 3.

Article 75

Where a Rhine boatman or a member of his family has a claim to maternity benefits under the legislation of two or more Contracting Parties, such benefits shall be provided solely under the legislation of the Party in whose territory the birth took place, or, if the birth did not take place in the territory of any of those Parties, solely under the legislation to which that Rhine boatman was last subject.

Article 76

1. Where death occurs in the territory of a Contracting Party, only entitlement to a death grant acquired under the legislation of that Party shall be recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.

2. Where death occurs in the territory of a Contracting Party and entitlement to death grant has been acquired solely under the legislation of two or more other Contracting Parties, only the entitlement acquired under the legislation of the Contracting Party to which the Rhine boatman was last subject shall be recognised, to the exclusion of any entitlement acquired under the legislation of any other Contracting Party.

3. Where death occurs outside the territory of the Contracting Parties and entitlement to death grant has been acquired under the legislation of two or more Contracting Parties, only the entitlement acquired under the legislation of the Contracting Party to which the Rhine boatman was last subject shall be recognised, to the exclusion of any entitlement acquired under the legislation of any other Contracting Party.

Article 77

1. Entitlement to family benefits payable under the provisions of Articles 62, 63, 64, 65, 66, 67 or 68 shall be suspended where, because of the exercise of an occupational activity by a person other than the Rhine boatman, family benefits are also payable, for the same period and in respect of the same members of the family, under the legislation of the Contracting Party in whose territory the members of the family or the orphans are resident. In that case, they shall be deemed to be members of the family of the person who follows the said occupational activity.

2. Entitlement to family benefits payable under the legislation of a Contracting Party, in accordance with which the acquisition of entitlement to such benefits is not conditional upon the exercise of an occupational activity, shall be suspended where, during the same period and in respect of the same members of the family—

- (a) family benefits are payable under the legislation of another Contracting Party in application of the provisions of Articles 62, 63, 64 or 65. However, where a person other than the Rhine boatman referred to in those Articles follows an occupational activity in the territory of the first Party, entitlement to family benefits due under those provisions shall be suspended, where the members of the family of that Rhine boatman are also members of the family of that person; only the family benefits provided under the legislation of the first Party shall be awarded, and the cost shall be borne by that Party;

- (b) family benefits are payable under the legislation of another Contracting Party in application of the provisions of Articles 66, 67 or 68. However, where the amount of family allowances payable under the provisions of Articles 66, 67 or 68 is less than the amount of the family allowances payable under the legislation of the first Party, the difference between those amounts, to the extent to which it exists, shall be payable to the beneficiary, and the cost shall be borne by the competent institution of that Party.

Article 78

1. The competent authorities of the Contracting Parties shall communicate to each other—
 - (a) all information regarding measures taken by them for the application of this Agreement;
 - (b) all information regarding changes made in their legislation which may affect the application of this Agreement.
2. For the purpose of applying this Agreement, the authorities and institutions of the Contracting Parties shall assist one another as if it were a matter of applying their own legislation. In principle the administrative assistance furnished by the said authorities and institutions to one another shall be free of charge. However, the competent authorities of the Contracting Parties may agree to reimburse certain expenses.
3. The authorities and institutions of the Contracting Parties may, for the purpose of applying this Agreement, communicate directly with one another and with the individuals concerned or their representatives.
4. The authorities, institutions and jurisdictions of one Contracting Party may not reject claims or other documents submitted to them by reason of the fact that they are written in the official language of another Contracting Party.

Article 79

1. Any exemption from, or reduction of taxes, stamp duty, legal dues or registration fees provided for in the legislation of one Contracting Party in connection with certificates or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar certificates and documents required to be produced for the purposes of the legislation of another Contracting Party or of this Agreement.
2. All official instruments, documents or certificates of any kind that are required to be produced for the purposes of this Agreement shall be exempt from authentication or any similar formality.

Article 80

1. Where a claimant is resident in the territory of a Contracting Party other than the competent State he may validly present his claim to the institution of his place of residence, which shall refer it to the competent institution or institutions mentioned in the claim.
2. Any claim, declaration or appeal that should have been submitted, under the legislation of a Contracting Party, within a specified time to an authority, institution or jurisdiction of that Party shall be admissible if it is submitted within the same period to an authority, institution or jurisdiction of another Contracting Party. In such event, the authority, institution or jurisdiction receiving the claim, declaration or appeal shall forward it without delay to the competent authority, institution or jurisdiction of the first Party, either directly or through the intermediary of the competent authorities of the Contracting Parties concerned. The date on which any claim, declaration or appeal was submitted to an authority, institution or jurisdiction of the second Contracting Party shall be deemed to be the date of its submission to the authority, institution or jurisdiction competent to deal with it.

Article 81

Medical examinations prescribed by the legislation of one Contracting Party may be carried out at the request of the institution which applies that legislation, in the territory of the place of temporary residence or residence, under the conditions prescribed by the administrative arrangement referred to in Article 96, paragraph 1. In such event they shall be deemed to have been carried out in the territory of the first Party.

Article 82

If the institution of a Contracting Party has paid to a beneficiary a sum in excess of his entitlement, that institution may, under the conditions and to the extent permissible under the legislation it applies, request the institution of any other Contracting Party responsible for payment of benefits to that person to deduct the amount overpaid from the payments it is making to him. The latter institution shall withhold that amount to the extent to which such a deduction is permissible under the legislation it applies, as if the overpayment had been made by it, and transfer the amount so withheld to the creditor institution.

Article 83

1. Where, under this Agreement, the institution of one Contracting Party is liable to pay cash benefits to a beneficiary who is in the territory of another Contracting Party, its liability shall be expressed in the currency of the first Party. That institution may validly discharge its liability in the currency of the second Party.

2. Where, under this Agreement, the institution of one Contracting Party is liable to pay sums in refund of benefits provided by the institution of another Contracting Party, its liability shall be expressed in the currency of the second Party. The first institution may validly discharge its liability in that currency, unless the Contracting Parties concerned have agreed on other arrangements.

3. Transfers of funds which result from the application of this Agreement shall be effected in accordance with the relevant agreements in force between the Contracting Parties concerned at the date of transfer. Failing such agreements the arrangements for effecting such transfers shall be agreed between the said Parties.

Article 84

1. For the calculation of the amount of contributions due to the institution of a Contracting Party, account shall be taken, where appropriate, of any income received in the territory of any other Contracting Party.

2. The recovery of contributions due to the institution of one Contracting Party may be effected in the territory of another Contracting Party in accordance with the administrative procedure and subject to the guarantees and privileges applicable to the recovery of contributions due to a corresponding institution of the latter Party, or, in the absence of such a procedure, with the guarantees and privileges applicable to the recovery of funds intended for the financing of the social security system of the said Party.

3. The arrangements for the application of the provisions of the preceding paragraphs of this Article shall be regulated, in so far as may be necessary, by the administrative arrangement referred to in Article 96, paragraph 1, or by way of bilateral or multilateral agreements between two or more Contracting Parties. These arrangements may also deal with the legal procedure for recovery.

Article 85

1. Where a person is receiving benefits under the legislation of one Contracting Party in respect of an injury caused or sustained in the territory of another Contracting Party, the rights of the institution liable to pay benefits against the third party liable to pay damages shall be regulated in the following manner—

- (a) where the said institution, under the legislation applicable to it, is substituted for the beneficiary in any rights which he may have against the third party, such substitution shall be recognised by every other Contracting Party; and
- (b) where the said institution has a direct right against the third party, such right shall be recognised by every other Contracting Party.

2. The rules governing the liability of employers or their agents in the case of occupational injuries or accidents on the way to or from work which happen in the territory of a Contracting Party other than the competent State shall be determined by agreement between the Contracting Parties concerned.

Article 86

1. Any dispute arising between two or more Contracting Parties as to the interpretation or application of this Agreement, of the administrative arrangement referred to in Article 96, paragraph 1, and of any other agreement or arrangement concluded within the framework of these instruments, shall be submitted to the Administrative Centre, which will make a recommendation to the Parties to the dispute.

2. If the Parties to the dispute fail to accept the recommendation of the Administrative Centre, the dispute shall be submitted to a permanent arbitration board; that board shall establish its own procedure.

3. The permanent arbitration board shall consist of a member nominated by each of the Contracting Parties. A deputy member, nominated by each of the Contracting Parties shall take over the duties of the titular member should the latter be unable to attend.

4. The decision of the permanent arbitration board, which should conform to the principles of this Agreement, shall be binding and final.

Article 87

1. Annex VIII specifies for each Contracting Party concerned the particular measures for the application of its legislation.

2. Each Contracting Party concerned shall give notice, in accordance with the provisions of Article 97, paragraph 1, of any amendment to be made to Annex VIII. If such an amendment results from the adoption of new legislation, notice shall be given within three months from the date of publication of the said legislation, or if that legislation is published before the date of ratification or acceptance of this Agreement, from the date of that ratification or acceptance.

Article 88

1. The annexes referred to in Article 1, subparagraph (b), in Article 4, paragraph 1, in Article 5, paragraph 3, in Article 7, paragraph 3, in Article 9, paragraph 3, in Article 25, paragraph 2, in Article 61, paragraph 1, and in Article 87, paragraph 1, as well as any subsequent amendments to those annexes, shall be an integral part of this Agreement.

2. Any amendment to the annexes referred to in the preceding paragraph shall be considered as adopted if, within the three months following the notification provided for in Article 97, paragraph 2, subparagraph (d), no Contracting Party or signatory State has opposed it by notification addressed to the Director-General of the International Labour Office.

3. In the event of notification of such opposition, the matter shall be submitted to the Administrative Centre which will make a recommendation to the Parties concerned. If the Parties concerned fail to accept the recommendation of the Administrative Centre, the dispute shall be settled in accordance with the procedure prescribed in Article 86, paragraphs 2 to 4.

TITLE VI. TRANSITIONAL AND FINAL PROVISIONS

Article 89

1. This Agreement shall confer no rights for any period before its entry into force.

2. All periods of insurance and, where appropriate, of employment, occupational activity or residence completed under the legislation of a Contracting Party before the date on which this Agreement enters into force shall be taken into account for the purpose of determining rights arising from this Agreement.

3. Subject to the provisions of paragraph 1 of this Article, rights may arise under this Agreement even in respect of a contingency which arose before its entry into force.

4. Any benefit which has not been provided or which has been suspended on account of the nationality of the person concerned, or of his residence in the territory of a Contracting Party other than that in which the institution liable to pay the benefits is situated shall, at the request of the person concerned, be provided or resumed with effect from the date on which this Agreement

enters into force, unless the rights previously extinguished have given rise to the payment of a lump sum.

5. The rights of persons who have been awarded a pension before the entry into force of this Agreement shall be revised at their request, regard being had to the provisions of this Agreement. These rights may also be revised ex officio. In no circumstances shall such a revision operate to lessen the former rights of the persons concerned.

6. Where the request referred to in paragraph 4 or in paragraph 5 of this Article is submitted within two years of the date on which this Agreement enters into force, the rights arising in accordance with the provisions of the Agreement shall be acquired as from that date, and those provisions of the legislation of any Contracting Party which concern the loss of rights or the extinction of rights by lapse of time shall not be raised against the person concerned.

7. Where the request referred to in paragraph 4 or in paragraph 5 of this Article is submitted more than two years after the date on which this Agreement enters into force, such rights as have not lapsed or have not been extinguished by lapse of time shall be acquired only with reference to the date on which the request was submitted, unless there are more favourable provisions in the legislation of the Contracting Party concerned.

8. In the event of a revision ex officio under the provisions of paragraph 5 of this Article, the rights conferred under this Agreement shall be acquired as from the date of entry into force of the Agreement.

9. The application of the provisions of Chapter 6 of Title III shall not operate to lessen the rights enjoyed by persons concerned at the date of entry into force of this Agreement. If, at that date, the amount of family allowances payable under these provisions is less than the amount of family allowances payable under the provisions of the Agreement concerning the Social Security of Rhine Boatmen (Revised) of 13 February 1961, the difference between these amounts, in so far as it exists, shall continue to be paid to beneficiaries and the cost shall be borne by the competent institution under these latter provisions and so long as that institution remains competent under the provisions of this Agreement.

Article 90

1. This Agreement shall be open for signature by the States represented on the Central Commission for Rhine Navigation and by Luxembourg.

2. This Agreement shall be subject to ratification or acceptance. All instruments of ratification or acceptance shall be deposited with the Director-General of the International Labour Office.

Article 91

1. This Agreement shall enter into force on the first day of the third month following that in which the last of the instruments of ratification or acceptance of the Contracting Parties to the Agreement concerning the Social Security of Rhine Boatmen (Revised), of 13 February 1961, is deposited.

2. In respect of any other signatory State ratifying or accepting it subsequently, the Agreement will enter into force on the first day of the third month following that in which the instrument of ratification or acceptance is deposited.

Article 92

Following the entry into force of this Agreement, the provisions of the Agreement concerning the Social Security of Rhine Boatmen (Revised), of 13 February 1961, shall cease to have effect.

Article 93

1. After the entry into force of this Agreement, a State other than those referred to in Article 90, paragraph 1, may accede to the Agreement subject to the unanimous consent of the Contracting Parties. Accession to the Agreement shall confer the same rights and entail the same obligations as ratification or acceptance. A protocol of accession will provide for the arrangements necessary to that end, should the occasion arise.

2. Each instrument of accession shall be deposited with the Director-General of the International Labour Office.

3. This Agreement shall enter into force in respect of any State which subsequently accedes to it, on the first day of the third month following that in which the instrument of accession is deposited.

Article 94

This Agreement shall be entered into for a period of one year. It shall be renewed from year to year by tacit agreement, subject to the right of each Contracting Party to denounce it by means of a notification addressed to the Director-General of the International Labour Office. Such denunciation shall take effect one year after the date of receipt of such notification.

Article 95

1. In the event of denunciation of this Agreement all rights acquired under its provisions shall be maintained.

2. Rights in process of acquisition in respect of periods before the date on which the denunciation takes effect shall not lapse as a result of the denunciation; their subsequent continued recognition shall be determined by agreement or, failing such agreement, by the legislation which the institution concerned applies.

Article 96

1. An administrative arrangement shall determine the arrangements for the application of this Agreement.

2. The Contracting Parties or, if the constitutional provisions of those Parties permit, their competent authorities, shall make all other arrangements necessary for the application of this Agreement.

Article 97

1. The notification referred to in Article 1, subparagraph (b), Article 4, paragraph 2, Article 5, paragraph 4, Article 6, paragraph 2, Article 7, paragraph 4, Article 9, paragraph 4, Article 25, paragraph 3, Article 61, paragraph 3, and Article 87, paragraph 2, shall be addressed to the Director-General of the International Labour Office.

2. The Director-General of the International Labour Office shall notify the Contracting Parties, as well as the Central Commission for Rhine Navigation, of—

- (a) the deposit of any instrument of ratification, acceptance or accession;
- (b) any date of entry into force of this Agreement in accordance with the provisions of Article 91 and Article 93;
- (c) any notification of denunciation received in pursuance of the provisions of Article 94, and the date on which denunciation takes effect;
- (d) any notification received in pursuance of the provisions of paragraph 1 of this Article.

Article 98

1. The German, French and Dutch texts of this Agreement shall be equally authoritative. They shall be deposited in the archives of the International Labour Office.

2. On the entry into force of this Agreement, the Director-General of the International Labour Office shall, in accordance with Article 102 of the Charter of the United Nations, send certified copies thereof to the Secretary-General of the United Nations for the purposes of registration.

3. The Director-General of the International Labour Office shall also send certified copies to each of the States represented on the Central Commission for Rhine Navigation, to Luxembourg and to the said Commission.

4. An official English translation shall be prepared by the International Labour Office and sent to the States concerned.

5. In accordance with Article 102 of the Charter of the United Nations, the Director-General of the International Labour Office shall send to the Secretary-General of the United Nations, for the purposes of registration, any ratification, any acceptance, any accession to, and any denunciation of this Agreement of which he has been notified.

Done at Geneva this thirtieth day of November 1979 in three original copies in Dutch, French and German.

*(Signed) A. SCHWARZ,
Chairman of the Conference.*

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

For the Federal Republic of Germany: U. SAHM.

For Belgium: A. ONKELINX.

For France: S. HESSEL.

For Luxembourg: J. RETTEL.

For the Netherlands: R. REINHOLD SMIT.

For Switzerland: A. SCHULER.

ANNEX I

DEFINITIONS OF TERRITORIES AND OF NATIONALS OF THE CONTRACTING PARTIES

(Article 1, subparagraph (b), of the Agreement)

Federal Republic of Germany:

Territory: The territory to which the Basic Law of the Federal Republic of Germany applies.

Nationals: Germans within the meaning of the Basic Law of the Federal Republic of Germany.

Belgium:

Territory: The territory of Belgium.

Nationals: Persons of Belgian nationality.

France:

Territory: The continental territory of France.

Nationals: Persons of French nationality.

Luxembourg:

Territory: The territory of the Grand Duchy of Luxembourg.

Nationals: Persons of Luxembourg nationality.

Netherlands:

Territory: The territory of the Kingdom of the Netherlands in Europe.

Nationals: Persons of Netherlands nationality.

Switzerland:

Territory: The territory of the Swiss Confederation.

Nationals: Persons of Swiss nationality.

ANNEX II

LEGISLATION AND SCHEMES TO WHICH THIS AGREEMENT APPLIES

(Article 4, paragraph 1, of this Agreement)

Federal Republic of Germany:

Legislation concerning—

- (a) sickness insurance (sickness, maternity and death);
- (b) the protection of working mothers, in so far as it relates to benefits payable by the sickness insurance institutions during pregnancy and after the confinement;
- (c) pensions insurance for wage earners and artisans;
- (d) pensions insurance for salaried employees;
- (e) pensions insurance for mine workers and, in the Saar, supplementary pensions insurance in the iron and steel industry, as also the scheme of assistance for elderly farmers;
- (f) accident insurance;
- (g) unemployment insurance and unemployment assistance;
- (h) family allowances.

Belgium:

Legislation concerning—

- (a) sickness and invalidity insurance (sickness, maternity, invalidity and death);
 - (i) schemes for employed persons (wage earners, salaried employees, mine workers and personnel of the public sector);
 - (ii) scheme for seamen of the merchant marine;
 - (iii) scheme for self-employed persons;
- (b) retirement and survivors' pensions;
 - (i) schemes for employed persons (wage earners, salaried employees, mine workers and seamen in the merchant marine);

- (ii) scheme for self-employed persons;
- (c) compensation for occupational injuries:
 - (i) scheme for employed persons in general;
 - (ii) scheme for seafarers;
- (d) compensation for occupational diseases;
- (e) the organisation of aid for involuntarily unemployed persons;
- (f) family benefits for employed persons and family benefits for self-employed persons.

France:

Legislation concerning—

- (a) the organisation of social security;
- (b) the general provisions establishing the social insurance scheme applicable to insured persons in non-agricultural occupations;
- (c) the prevention of, and compensation for, occupational accidents and diseases;
- (d) family benefits;
- (e) sickness and maternity insurance for self-employed persons in non-agricultural occupations;
- (f) old-age allowance and old-age pension insurance for self-employed persons in non-agricultural occupations;
- (g) assistance for gainfully employed persons when unemployed;
- (h) the allowance for elderly employed persons, the allowance for elderly self-employed persons and life assistance.

Luxembourg:

Legislation concerning—

- (a) sickness insurance (sickness, maternity and death):
 - scheme for wage earners;
 - scheme for salaried employees;
 - scheme for the self-employed;
- (b) pensions insurance (invalidity, old-age and death):
 - scheme for wage earners;
 - scheme for salaried employees;
 - scheme for artisans and self-employed persons in industry and commerce;
- (c) insurance against occupational injuries and diseases;
- (d) unemployment benefits;
- (e) family benefits.

Netherlands:

Legislation concerning—

- (a) sickness and maternity benefits;
- (b) benefits in respect of incapacity for work (invalidity, occupational injuries and diseases);
- (c) old-age benefits;
- (d) survivors' benefits;
- (e) unemployment benefits;
- (f) family allowances.

Switzerland:

1. Federal legislation concerning—

- (a) sickness insurance, including maternity benefits;
- (b) invalidity insurance;
- (c) old-age and survivors' insurance;
- (d) supplementary benefits to old-age and survivors' insurance and to invalidity insurance;
- (e) compulsory accident insurance (including occupational diseases);
- (f) unemployment insurance.

2. Cantonal legislation concerning family allowances for employed persons other than agricultural workers in the cantons of Bale-Ville and Bale-Campagne.

ANNEX III

PROVISIONS REMAINING IN FORCE NOTWITHSTANDING THE PROVISIONS OF ARTICLE 5, PARAGRAPH 2

(Article 5, Paragraph 3, of the Agreement)

Federal Republic of Germany – Switzerland

Convention on Social Security of 25 February 1964, with the exception of Article 27 thereof, and the supplementary Convention of 9 September 1975.

Belgium – Switzerland

The provisions relating to invalidity insurance of the Convention on Social Security of 24 September 1975.

France – Switzerland

The provisions relating to invalidity insurance of the Convention on Social Security of 3 July 1975.

Netherlands – Switzerland

The provisions relating to invalidity insurance of the Convention on Social Security of 27 May 1970.

ANNEX IV

PROVISIONS TO WHICH THE PROVISIONS OF ARTICLE 7, PARAGRAPH 2, ARE APPLICABLE

(Article 7, Paragraph 3, of the Agreement)

France:

- allowance for elderly employed persons;
- allowance for elderly self-employed persons;
- life assistance.

Switzerland:

- special invalidity insurance pensions;
- special old-age and survivors' insurance pensions;
- allowances for totally disabled persons;
- supplementary old-age and survivors' insurance, and invalidity insurance benefits.

ANNEX V

BENEFITS TO WHICH THE PROVISIONS OF ARTICLE 9, PARAGRAPH 1, ARE NOT APPLICABLE

(Article 9, Paragraph 3, of the Agreement)

Switzerland:

- special invalidity insurance pensions;
- special old-age and survivors' insurance pensions;
- ordinary invalidity insurance half-pensions granted to invalids whose degree of invalidity is less than 50 per cent;
- allowances for the totally disabled;
- supplementary old-age and survivors' insurance, and invalidity insurance benefits.

ANNEX VI

LEGISLATION REFERRED TO IN ARTICLE 25, PARAGRAPH 1

(Article 25, Paragraph 2, of the Agreement)

Belgium:

- Legislation relating to the general invalidity scheme;
- Legislation relating to insurance of self-employed persons against incapacity for work.

France:

— Legislation on invalidity insurance for employed persons.

Netherlands:

- Legislation relating to insurance against incapacity for work;
- Legislation relating to general insurance against incapacity for work.

ANNEX VII

APPLICATION OF SECTION 1 OR 2 OF CHAPTER 6 OF TITLE III

(Article 61, Paragraph 1, of the Agreement)

1. Section 1:

Federal Republic of Germany
Belgium
France
Luxembourg

2. Section 2:

Netherlands
Switzerland

ANNEX VIII

PARTICULAR MEASURES FOR THE APPLICATION OF THE LEGISLATION OF THE CONTRACTING PARTIES

(Article 87, paragraph 1, of the Agreement)

Application of the Legislation of the Federal Republic of Germany

1. (a) In so far as German legislation concerning accident insurance does not already provide for it, the German institutions shall compensate alike, in accordance with that legislation, for occupational injuries sustained or occupational diseases contracted in Alsace-Lorraine before 1 January 1919, if this liability has not been assumed by the French institutions in accordance with the decision of the Council of the League of Nations dated 21 June 1921 (*Reichsgesetzblatt* p. 1289), so long as the worker who sustained the injury or his survivors reside in the territory of a Contracting Party.
- (b) The provisions of Article 9 of this Agreement shall not affect the provisions of German legislation by virtue of which occupational injuries sustained or occupational diseases contracted outside the territory of the Federal Republic of Germany, as well as periods completed outside that territory, do not give rise, or give rise only under certain conditions, to the payment of benefits when the beneficiaries are outside the territory of the Federal Republic of Germany.
2. (a) In order to determine whether the periods treated under German legislation as periods of interruption (*Ausfallzeiten*) or supplementary periods (*Zurechnungszeiten*) are to be taken into account as such periods, compulsory contributions paid by virtue of the legislation of another Contracting Party and compulsory insurance under the insurance scheme of another Contracting Party shall be deemed to be equivalent to compulsory contributions paid by virtue of German legislation and to compulsory insurance under German pensions insurance. In calculating the number of calendar months of compulsory insurance before the contingency arose, the concurrent periods, which are deemed to be equivalent by virtue of the legislation of another Contracting Party, shall not be taken into consideration, nor shall those periods during which the person concerned has received a pension.
- (b) The provisions of the preceding subparagraph shall not apply to the fixed period of interruption (*pauschale Ausfallzeit*). That shall be determined solely in terms of the periods of insurance completed under German legislation.
- (c) The taking into account of a supplementary period (*Zurechnungszeit*) by virtue of German legislation concerning pensions insurance for miners shall, moreover, be subject to the condition that the last contribution paid under German legislation was paid to the pensions insurance scheme for miners.
- (d) For the taking into account of German periods of substitution (*Ersatzzeiten*) only German legislation shall be applicable.
- (e) Notwithstanding the provisions of the preceding subparagraph, the following provision shall apply to persons affiliated to German pensions insurance who, in the course of the period from 1 January 1948 to 31 July 1963, have lived in the German territories under Netherlands administration: for the taking into account of German periods of substitution (*Ersatzzeiten*) by virtue of Article 1251, paragraph 2, of the Social Insurance Code (RVO) or corresponding provisions, the payment of

contributions to the Netherlands insurance scheme during that period shall be deemed to be equivalent to engaging in employment or an occupational activity compulsorily insurable under German legislation.

3. If the application of this Agreement involves exceptional costs for certain sickness insurance institutions, those costs may be totally or partially made good. The Federal Association of local sickness funds, as the liaison body (sickness insurance), shall decide on that compensation by agreement with the other central association of sickness insurance institutions. The necessary resources for the compensation shall be provided by means of taxes levied on the whole body of sickness insurance institutions, proportionally to the average number of members during the preceding year, excluding pensioners.
4. German pension insurance institutions shall not apply the provisions of Article 33, paragraph 5, of this Agreement when—
 - (a) the legislation in force before 1 January 1957 concerning the calculation of pensions is applicable;
 - (b) a supplementary period (*Zurechnungszeit*) is to be taken into consideration; or
 - (c) a supplement for children or an increase in orphans' pension is to be taken into consideration.
5. The provisions of Chapter 2 of Title III of this Agreement shall not be applicable to the supplementary pensions insurance for workers in the iron and steel industry, nor to the assistance scheme for elderly farmers.
6. The provisions of Article 1233 of the Social Insurance Code (RVO) and of Article 10 of the Act concerning the insurance of salaried employees (AVG), amended by the Act of 16 October 1972, altering the pensions scheme, which governs voluntary insurance within the framework of German pensions insurance schemes, shall be applicable to persons to whom the provisions of this Agreement are applicable, in accordance with the following conditions. Where the general conditions are satisfied, voluntary contributions may be paid to the German pensions insurance, when—
 - (a) the person concerned has his domicile or his residence in the territory of the Federal Republic of Germany;
 - (b) the person concerned has his domicile or his residence in the territory of another Contracting Party and had formerly at any time been compulsorily or voluntarily affiliated to German pensions insurance;
 - (c) the person concerned has his domicile or his residence in the territory of a third State, has contributed for at least sixty months to German pensions insurance or could be admitted to voluntary insurance by virtue of transitory provisions previously in force and is not compulsorily or voluntarily insured under the legislation of another Contracting Party.
7. For compulsory insurance under German legislation concerning sickness insurance for pensioners, periods of affiliation to the sickness insurance scheme of another Contracting Party shall be deemed to be equivalent to periods of affiliation to German sickness insurance, and periods of marriage to a member of the sickness insurance scheme of another Contracting Party shall be deemed to be periods of marriage to a member of the German sickness insurance scheme.
8.
 - (a) For the purposes of the application of this Agreement, the lump sum granted under German legislation in respect of a confinement shall be considered as a benefit in kind.
 - (b) For the award of the lump sum for a confinement provided under German legislation, the medical examinations carried out in accordance with the legislation of another Contracting Party with the object of ensuring adequate and suitable medical care during pregnancy shall also be taken into consideration.
9. Regulations concerning social insurance charges in the Agreements concluded by the Federal German Republic with other States shall not be affected.
10. When, under the provisions of German legislation, in addition to the conditions prescribed for the application of this Agreement, the conditions prescribed for the application of another Agreement or of a supranational regulation are satisfied, the German institution shall not take account, for the application of this Agreement, of the other Agreement or of the supranational regulation. That rule shall not be applicable when the provisions concerning social security which derive from the Federal Republic from international agreements, or from supranational law or which, in relation to the application, involve regulations concerning social insurance charges.
11. Periods of insurance completed under the legislation of any other Contracting Party shall not be taken into consideration for the minimum number of years of insurance necessary for the calculation of pension as a function of minimum income prescribed by German legislation.
12. Orphans' pensions provided under German legislation shall not be considered as family allowances within the meaning of this Agreement.

Application of the Legislation of Belgium

1. If a Rhine boatman, who is subject to the Belgian law applicable to self-employed persons, follows concurrently an occupational activity as an employed person in the territory of another Contracting Party, that latter activity shall be deemed to be a wage-earning activity in Belgium with a view to the assessment of the obligations which may follow from the Belgian legislation relating to the social status of self-employed workers.

2. For the application of Belgian legislation account shall not be taken of a period referred to in Article 28, paragraph 3, subparagraph (a) (ii), of this Agreement unless, during that period, the Rhine boatman was incapable of work within the meaning of Belgian legislation.
3. For the application of the provisions of Article 33 of this Agreement, periods of old-age insurance completed under Belgian legislation applicable to self-employed persons before the entry into force of the Belgian legislation concerning the insurance of self-employed persons against incapacity for work, shall be considered as periods of insurance completed under the latter legislation.
4. For the application, by the competent Belgian institution, of the provisions of Chapter 6 of Title III of this Agreement, a child shall be considered as having been brought up in the territory of the Contracting Party where it resides.
5. The provisions of Chapter I of Title III of this Agreement shall apply to persons whose entitlement to benefits in kind from sickness insurance derives from the provisions of the Belgian compulsory sickness and invalidity insurance scheme for self-employed persons, under the following conditions—
 - (a) in the case of temporary residence in the territory of a Contracting Party other than Belgium, the person concerned shall be entitled—
 - (i) with regard to medical care provided in the event of hospitalisation, to benefits in kind provided under the legislation of that Party;
 - (ii) with regard to the other benefits in kind provided under Belgian legislation, to the refund of the cost of those benefits by the competent Belgian institution at the rates specified by the legislation of that Party;
 - (b) in the case of permanent residence in the territory of a Contracting Party other than Belgium, the persons concerned shall be entitled to benefits in kind provided by the legislation of that Party subject to paying to the competent Belgian institution the supplementary contribution prescribed for that purpose by Belgian legislation.

Application of French Legislation

1. The allowance for elderly employed persons shall be awarded, under the conditions prescribed for French employed persons by French legislation, to all employed persons coming within the scope of this Agreement who, at the time they make their claim, are resident in French territory.
2. The provisions of this Agreement shall not affect the provisions of French legislation by virtue of which only periods of wage-earning employment, or periods treated as such, completed in the territories of the European Departments and of the overseas Departments (Guadeloupe, Guyana, Martinique and Réunion) of the Republic of France, are taken into consideration for entitlement to the allowances for elderly employed persons.
3. The provisions of paragraphs 1 and 2 concerning the award of the allowance for elderly employed persons shall be applicable *mutatis mutandis* to the allowance for elderly self-employed persons.

Application of the Legislation of Luxembourg

1. Notwithstanding the provisions of Article 89, paragraph 2, of this Agreement, periods of insurance, and equivalent periods, completed before 1 January 1946, under Luxembourg legislation on pensions insurance (invalidity, old age and death) shall be taken into consideration for the application of that legislation only in so far as the rights in course of acquisition have been maintained from 1 February 1970, or recovered subsequently in accordance solely with that legislation, or with bilateral Conventions on social security in force or to be concluded with Luxembourg. In the event of several such Conventions applying, periods of insurance and equivalent periods shall be taken into consideration as from the earliest date.
2. For the purposes of entitlement to the basic part of Luxembourg pensions, periods of insurance completed under Luxembourg legislation by workers not resident on Luxembourg territory shall be considered as periods of residence.
3. Notwithstanding the provisions of Article 33 of this Agreement, the basic part of Luxembourg pensions, for which the State and the Communes are responsible, shall be calculated in accordance with Luxembourg legislation.
4. The supplement provided, where appropriate, to increase minimum pensions, the supplement for children, as well as special increases, shall be awarded in the same proportion as the basic part of pension for which the State and the municipalities are responsible.

Application of Netherlands Legislation

1. Sickness insurance:
 - (a) With regard to entitlement to benefits in kind, Chapter I of Title III of this Agreement shall be applicable only to persons who are entitled to benefits in kind by virtue of compulsory insurance, the insurance scheme for elderly persons or voluntary insurance schemes referred to in the law regulating the sickness insurance funds (*Ziekenfondswet*).

- (b) A person receiving an old-age pension under Netherlands legislation and a pension under the legislation of another Contracting Party shall be deemed, for the purpose of the application of Article 21 of this Agreement, to be entitled to benefits in kind if, having regard, as appropriate, to the provisions of Article 8 of the said Agreement, he satisfies the conditions for participation in the sickness insurance scheme for elderly persons or in voluntary insurance, which insurance schemes are referred to in the Act regulating sickness insurance funds. That provision shall also be applicable to a married woman whose husband receives an old-age pension for married persons under Netherlands legislation and fulfils the conditions for participation in the sickness insurance scheme for elderly persons or in voluntary insurance, which insurance schemes are referred to in the Act regulating sickness insurance funds.
 - (c) A person receiving an old-age pension under Netherlands legislation who is resident in the territory of a Contracting Party other than the Netherlands shall be obliged, if he is subject to the sickness insurance scheme for elderly persons, or to the voluntary insurance scheme referred to in the law regulating sickness insurance funds, to pay, for himself and, as appropriate, for the members of his family, a contribution calculated on the basis of half the average cost incurred by the Netherlands in respect of the provision of medical care for an elderly person and the members of his family. That contribution shall be reduced, at the expense of the compulsory insurance administration under the law regulating sickness insurance funds, by an amount corresponding to the reduction which is granted, at the expense of the aforesaid compulsory insurance administration, to persons who are resident in the Netherlands and who are affiliated to the sickness insurance scheme for elderly persons, for whom the contribution is fixed on the same basis.
 - (d) A woman who is not in receipt of an old-age pension under Netherlands legislation and, if she is married, whose husband is not in receipt of an old-age pension for married persons by virtue of that same legislation, shall be obliged, if she is resident in the territory of a Contracting Party other than the Netherlands and if she is subject to the voluntary insurance referred to in the law regulating sickness insurance funds, to pay, for herself and, as appropriate, for each of the members of her family who have reached the age of 16 years, a contribution equivalent to the average of the contributions fixed by the Netherlands sickness insurance funds in respect of voluntary contributors who are resident in the Netherlands. That contribution shall be rounded up to the nearest florin.
2. General old-age insurance:
- (a) Periods of insurance prior to 1 January 1957 during which the person concerned, who does not fulfil the conditions for having such periods assimilated to periods of insurance, resided in the territory of the Netherlands after the age of 15 years or during which, while entirely resident in the territory of another Contracting Party, he was gainfully employed in the Netherlands, or on a vessel referred to in Article 1 (m) of this Agreement, by an employer in that country, shall likewise be considered as periods of insurance completed under Netherlands legislation on general old-age insurance.
 - (b) Periods shall not be taken into account by virtue of the preceding paragraph when they coincide with periods of insurance completed under the old-age pensions legislation of a State other than the Netherlands.
 - (c) Where a married woman's husband is entitled to a pension under Netherlands legislation on general old-age insurance, periods prior to the date on which the woman concerned reached the age of 65 years and during which, being married, she resided in the territory of one or more of the Contracting Parties, shall likewise be taken into consideration in so far as these periods coincide with the periods of insurance completed by her husband under that legislation and with those to be taken into consideration by virtue of subparagraph (a) of this paragraph.
 - (d) Periods shall not be taken into consideration, in the case of a married woman, by virtue of the preceding subparagraph when they coincide with periods of insurance completed under the old-age pension legislation of a State other than the Netherlands or with periods during which she received an old-age pension under such legislation.
 - (e) Where a married woman's husband has been subject to Netherlands legislation on general old-age insurance or is deemed to have completed periods of insurance within the meaning of subparagraph (a) of this paragraph, the provisions of the two preceding paragraphs shall be applicable, *mutatis mutandis*.
 - (f) Periods prior to 1 January 1957 shall be taken into consideration for the calculation of old-age pension only if the person concerned has resided for six years in the territory of one or more Contracting Parties after the age of 59 years and if he resides in the territory of one of those Parties.
3. General widows' and orphans' insurance:
- (a) For the application of the provisions of Article 33 of this Agreement, periods prior to 1 October 1959 during which the deceased had resided in the territory of the Netherlands after the age of 15 years or during which, while being resident in the territory of another Contracting Party, he was gainfully employed in the Netherlands, or on a vessel referred to in subparagraph (m) of Article 1 of this Agreement, by an employer in that country, shall likewise be considered as periods of insurance completed under the Netherlands legislation on general widows' and orphans' insurance.
 - (b) Periods shall not be taken into consideration by virtue of the preceding subparagraph when they coincide with periods of insurance completed under the legislation concerning survivors' benefits of a State other than the Netherlands.

4. Insurance against incapacity for work:

For the application of the provisions of Article 33 of this Agreement, the Netherlands institutions shall apply the following provisions:

- (a) if the Rhine boatman was an employed person when the incapacity for work followed by invalidity occurred, the competent institution shall determine the amount of benefits in cash in accordance with the provisions of the Incapacity Insurance Act (WAO) of 18 February 1966, taking account—
 - of periods of insurance completed under the above-mentioned Act (WAO) of 18 February 1966;
 - of periods of insurance completed after the age of 15 years under the General Incapacity Act (AAW) of 11 December 1975 in so far as these do not coincide with periods of insurance completed under the above-mentioned Act (WAO) of 18 February 1966; and
 - of periods of gainful occupation and equivalent periods completed before 1 July 1967 in the Netherlands or of employment on a vessel referred to in subparagraph (m) of Article 1 of this Agreement, by an employer in that country;
- (b) if the Rhine boatman was self-employed when the incapacity for work followed by invalidity occurred, the competent institution shall determine the amount of benefits in cash in accordance with the provisions of the General Incapacity Act (AAW) of 11 December 1975, taking account—
 - of periods of insurance completed by the person concerned after the age of 15 years under the above-mentioned Act (AAW) of 11 December 1975;
 - of periods of insurance completed under the Incapacity Insurance Act (WAO), of 18 February 1966, in so far as these do not coincide with periods of insurance completed under the above-mentioned Act (AAW) of 11 December 1975; and
 - of periods of gainful occupation and equivalent periods completed before 1 July 1967 in the Netherlands or of employment on a vessel referred to in subparagraph (m) of Article 1 of this Agreement, by an employer in that country.

5. Optional continued insurance:

The principle of equality of treatment set forth in Article 7 of this Agreement shall not apply to old-age and survivors' optional continued insurance with regard to the payment of reduced contributions.

Application of the Legislation of Switzerland

1. The principle of equality of treatment set forth in Article 7 of this Agreement shall not apply to the provisions of the Federal legislation on old-age and survivors' insurance and to invalidity insurance concerning—

- (a) optional invalidity insurance for Swiss nationals abroad;
- (b) assistance allowances paid to Swiss nationals resident abroad.

2. Vocational measures, measures for special training and the measures in favour of totally disabled minors in Federal legislation on invalidity insurance shall be deemed to be cash benefits.

3. With regard to the provisions for rehabilitation under Federal legislation on invalidity insurance:

- (a) Rhine boatmen may request rehabilitation provided that they have been in full-time employment in a permanent capacity on a vessel registered in Switzerland immediately preceding the time when they are to benefit by such rehabilitation;
- (b) wives and widows who do not follow a gainful activity, as well as minor children of Rhine boatmen, may request rehabilitation, as long as they keep their domicile in Switzerland, provided they have been resident there without interruption for at least one year immediately preceding the time when they benefit by such rehabilitation. However, the duration of residence shall be considered as uninterrupted when absence from Swiss territory does not exceed two months in the course of a year;
- (c) the minor children of Rhine boatmen may in addition request rehabilitation, if they have their domicile in Switzerland and have been incapacitated since birth there, or have resided there without interruption since birth.

4. The provisions of Article 35, paragraph 3, of this Agreement shall apply only in case of invalidity in accordance with the following arrangements:

- the Rhine boatman who is obliged to give up his employment on a vessel registered in Switzerland following illness or an accident, but whose state of invalidity is established in that country, is considered as having been insured within the meaning of Swiss legislation for a period of one year as from the date of interruption of work followed by invalidity.

5. With regard to the application of Article 7, paragraph 2, of this Agreement:

- (a) Rhine boatmen shall be entitled to special pensions under invalidity insurance under the same conditions as Swiss nationals, for as long as they keep their domicile in Switzerland, if immediately preceding the date on which they claim the pension, they have resided in Switzerland without interruption for five years;
- (b) Rhine boatmen, and their survivors, shall be entitled to special old-age and survivors' pensions under the same conditions as Swiss nationals, for as long as they keep their domicile in Switzerland, if

before the date from which they claim the pension, they have resided in Switzerland for ten years, including five consecutive years immediately preceding that date in the case of an old-age pension, and for five consecutive years immediately before that date in the case of a survivors' pension or of an old-age pension payable in lieu of an invalidity or survivors' pension;

- (c) Rhine boatmen, and their survivors, shall be entitled to supplementary old-age, survivors' and invalidity insurance benefits under the same conditions as Swiss nationals, for as long as they keep their domicile in Switzerland, if, immediately preceding the date from which they claim supplementary benefits, they have resided in Switzerland without interruption for fifteen years;
- (d) the period of residence referred to in subparagraphs (a) and (c) of this paragraph shall be deemed to be uninterrupted when absence from Swiss territory does not exceed three months in the course of any calendar year.

Final Act of the Governmental Conference for the Adoption of the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence

1. The Governmental Conference for the adoption of the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence was convened at Geneva by the International Labour Office (ILO) from 14 to 17 October 1980 for the final adoption of the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence whose provisions had been discussed and approved by two preparatory meetings of governmental experts organised jointly with the Council of Europe and held in Geneva from 2 to 6 October 1978 and 1 to 5 October 1979.

2. The Governmental Conference met at Geneva from 14 to 17 October 1980. The Governments of the following States were represented: Austria, Belgium, Bulgaria, Byelorussian SSR, Cyprus, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland, Turkey, Ukrainian SSR, USSR and the United Kingdom. The following international organisations were also represented at the Conference: the Central Commission for Rhine Navigation, the Commission of the European Communities, the World Tourism Organisation and the International Social Security Association.

3. In adopting subparagraph (b) of Article 1 of the Agreement, the Governmental Conference confirmed that the Agreement did not apply to social assistance benefits.

4. In adopting paragraph 1 of Article 3 of the Agreement, the Governmental Conference confirmed that it would not be necessary to apply, concurrently with the provisions of any social security convention maintained in force by mutual agreement between the Contracting Parties concerned, the provisions of the Agreement which might be more favourable. However, if the personal scope of the Agreement was wider than that of the convention maintained in force, the protected persons who did not come within the scope of that convention, but came within that of the Agreement, would benefit from the provisions of this Agreement. Similarly, if persons who came within the personal scope of such a convention could not claim medical care during temporary residence under that convention, they would be able to do so under the Agreement.

Furthermore, the Governmental Conference confirmed that the term "corresponding provisions" referred to the provisions concerning the grant of medical care to persons during temporary residence of the social security convention maintained in force.

5. The Governmental Conference also confirmed that the second sentence of Article 4, paragraph 1, should not be interpreted to mean that, in the case of minor illness, the persons concerned would cease to receive medical care should they express their desire to remain, during the period of medical care, in the territory of the country of temporary residence even though their state of health, in medical opinion, permitted them to return to the territory of the Contracting Party where they resided.

In adopting paragraph 5 of Article 4 of the Agreement, the Governmental Conference confirmed that the provisions of this paragraph should be understood to mean that the Agreement would only be applicable to persons covered by paragraph 5 of Article 4 in so far as the medical care required by their condition was not that for which they had gone to the territory of the Contracting Party concerned.

6. In adopting paragraph 2 of Article 13 of the Agreement, the Governmental Conference confirmed that States became Contracting Parties to the Agreement by ratification. It noted that, under the depositary practice of the International Labour Office, this meant the transmission, by a person empowered to do so, of an instrument signifying the consent of the State to be bound by the Agreement but that such consent could also be expressed by means of acceptance or approval where this was the appropriate national procedure.

7. The Governmental Conference confirmed the mandate which it had given to the International Labour Office under paragraph 2 of Article 20 of the Agreement for the

preparation of a model arrangement to assist in the conclusion of bilateral or multilateral arrangements provided for in paragraph 1 of the said Article, taking into account the discussion on this subject.

8. On 17 October 1980 the Governmental Conference finally adopted the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence, which was signed by the President and Vice-President of the Conference. This Agreement, which shall be applied and interpreted in accordance with the decisions of the Governmental Conference, is open for signature and ratification by all European States, in accordance with the provisions of Article 13 of the Agreement, and, subject to the conditions specified in Article 14 of the Agreement, for accession by all non-European Members of the International Labour Organisation.

9. The Governmental Conference considered it useful that the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence should be published in the *Official Bulletin* of the International Labour Office, together with dates of the coming into force and, where applicable, into effect of the Agreement.

10. The Governmental Conference took note of the successful efforts made both through the European Convention on Social Security concluded within the Council of Europe and through bilateral social security conventions concluded between the States Members of the Council for Mutual Economic Assistance to ensure the provision of medical care to persons during temporary residence.

It noted with satisfaction that the new European Agreement which it had adopted this day united these efforts in a wider co-operation embracing all European States, in the spirit of the Final Act of the Conference on Security and Co-operation in Europe.

Done at Geneva, this seventeenth day of October 1980, in five original copies in English, French, German, Russian and Spanish. The texts shall be deposited with the Director-General of the International Labour Office, who shall transmit certified copies to the government of each European State.

(signed): A. Schuler,
President of the
Governmental Conference.

W. Fronczak,
Vice-President of the
Governmental Conference.

European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence

The States signatory to this Agreement,

Considering the pertinent clauses of the Final Act of the Conference on Security and Co-operation in Europe,

Recalling the recommendations of the European Regional Conferences of the International Labour Organisation on the development of co-operation in the field of social security,

Bearing in mind the importance of the problems of social security requiring solutions in the light of the expansion of mutual links among those States and of the number of persons temporarily resident in the territory of a State other than the one whose legislation entitles them to medical care;

Have agreed on the following provisions:

Article 1

For the purposes of this Agreement—

- (a) the term “Contracting Party” means any State which has deposited an instrument of ratification;
- (b) the term “legislation” means any laws, regulations and other statutory instruments which are in force at the time of signature of this Agreement or may enter into force subsequently in the whole or any part of the territory of each Contracting Party and which relate to social security schemes governing the provision of medical care, including national health services;
- (c) the term “social security convention” means any bilateral or multilateral agreement by which, in the field of medical care, two or more Contracting Parties are, or may subsequently be, bound exclusively, and any multilateral agreement by which at least two Contracting Parties and one or more other States are, or may subsequently be, bound;
- (d) the term “competent authority” means the minister, ministers or other corresponding authority responsible for the application of the legislation of each Contracting Party in all or any part of the territory of that Party;
- (e) the term “competent institution” means—
 - (i) in relation to a social insurance scheme, the institution of the Contracting Party to which the person concerned is able to prove that he is entitled to receive medical care or would be able to prove that he is so entitled if he were in the territory of that Party;
 - (ii) in relation to a scheme other than a social insurance scheme, the institution designated by the competent authority of the Contracting Party in question;
- (f) the term “competent State” means the Contracting Party in whose territory the competent institution is situated;
- (g) the term “temporary residence” means a temporary stay in the territory of a Contracting Party other than the competent State within the limits of such period as may be prescribed by the national regulations of the first Party, should such exist;
- (h) the term “institution of the place of temporary residence” means the institution empowered to provide medical care at the place where the person concerned is temporarily resident, according to the legislation of the Contracting Party which this institution applies;
- (i) the term “medical care” covers medical care required in cases of accident, illness or pregnancy;
- (j) the term “cases of absolute urgency” means cases where the provision of medical care cannot be deferred without endangering the life or health of the person concerned.

Article 2

1. The provisions of this Agreement shall be applicable to all persons who can claim medical care under the legislation of a Contracting Party or who would be able to claim such care under the legislation if they were in the territory of that Party.

2. However, if the legislation of a Contracting Party embraces several medical care systems, that Party may specify in Annex I the medical care systems covered by its legislation and to which this Agreement is applicable, in its relations with any other Contracting Party with whom it has agreed to apply the provisions of Article 6, paragraph 1, subparagraphs (b) or (c).

3. Each Contracting Party concerned shall, in accordance with the provisions of Article 18, paragraph 1, notify any amendment to Annex I.

Article 3

1. In the relations between Contracting Parties, this Agreement replaces the corresponding provisions of any social security convention, provided that such provisions, by mutual agreement between the Contracting Parties concerned, are mentioned in Annex II.

2. The Contracting Parties concerned, by mutual agreement, shall give notice, in respect of themselves, in accordance with the provisions of Article 18, paragraph 1, of any amendment to be made to Annex II.

Article 4

1. Persons covered by the provisions of this Agreement and whose condition, on medical advice, necessitates immediate medical care during temporary residence in the territory of another Contracting Party shall receive the medical care required by their condition, as if they were entitled to such care under the legislation of the latter Party. Such care shall be provided by the institution of the place of temporary residence in accordance with the provisions of the legislation applied by that institution, as if the persons concerned were covered by it, until their recovery or until their state of health permits them, on medical advice, to return or be repatriated to the territory of the Contracting Party where they reside, in accordance with the provisions of paragraph 3.

2. However, in the relations between institutions which apply the provisions of Article 6, paragraph 1, subparagraph (b), the supply of prosthetic appliances, major aids and other major benefits in kind to be specified by mutual agreement by the competent authorities of the Contracting Parties concerned shall be conditional upon authorisation by the competent institution. However, such authorisation is not required in cases of absolute urgency.

3. If the condition of a person referred to in paragraph 1 does not permit him to return without help to the territory of the State where he resides, but nevertheless does not prevent his being moved, the institution of the place of temporary residence shall make the necessary arrangements for his repatriation to the territory of that State, in co-operation with the competent institution, provided that an agreement has been concluded for this purpose between the Contracting Parties concerned or their competent authorities.

4. Where the legislation applied by the institution of the place of temporary residence provides for several medical care schemes, the rules to be applied in respect of the provision of medical care by virtue of the provisions of paragraph 1 shall be those of the general scheme or, failing that, of the scheme for employed persons in industry.

5. Without prejudice to the provisions of paragraph 1, the provisions of this Agreement are not applicable to persons who go to the territory of a Contracting Party other than the competent State for the purpose of receiving medical care.

Article 5

1. In order to receive the medical care provided for in Article 4, paragraph 1, the person concerned shall submit proof of his entitlement to medical care under the legislation of a Contracting Party other than the one in whose territory he is present.

2. The proof referred to in paragraph 1 is given by means of a certificate delivered by the competent institution on a form agreed by the competent authorities of the Contracting Parties.

3. Where the person concerned is entitled to medical care under the legislation of a Contracting Party which guarantees such entitlement to all nationals or all residents of that Party, the person concerned may be permitted to submit, instead of the certificate referred to in paragraph 2, his passport or another identity document recognised as equivalent if the competent authorities of the Contracting Parties concerned have so decided by mutual agreement.

4. In cases of absolute urgency medical care shall not be withheld from the person concerned on the ground that he cannot submit at the appropriate time the certificate referred to in paragraph 2 or one of the documents referred to in paragraph 3. However, in such case, the institution of the place of temporary residence shall ask the competent institution to determine whether the person concerned is entitled to benefit from the provisions of this Agreement. Notwithstanding the provisions of paragraph 1 of Article 2, the Contracting Parties which have agreed to apply the provisions of subparagraph (b) or subparagraph (c) of paragraph 1 of Article 6 may resolve, through mutual agreement, difficulties arising from the application of the preceding sentence of this paragraph.

5. If the life or health of a person needing medical care is seriously in danger, or the person hospitalised is under 18 and away from his family, it would be desirable, in the interest of the person concerned, that the consular authority of the Contracting Party in whose territory that person is resident should be informed.

Article 6

1. The costs of medical care and repatriation borne by the institution of the place of temporary residence by virtue of the provisions of Article 4—

- (a) shall not give rise to any refunds by the competent institution;
- (b) shall be refunded in full by the competent institution on the presentation of proof of the actual expenditure, excluding administrative costs;
- (c) shall be refunded by the competent institution, in accordance with special arrangements; depending on whether the Contracting Parties concerned have agreed to apply the provisions of subparagraph (a) or subparagraph (b) or subparagraph (c) of this paragraph.

2. In the relations between Contracting Parties which have agreed to apply the provisions of paragraph 1, subparagraph (b), the competent institution shall refund the actual amount of the costs of medical care borne by the institution of the place of temporary residence, by virtue of the provisions of Article 4, as shown in the accounts of that institution. The amount of the costs to be refunded may not exceed the actual amount for identical medical care that would have been provided to beneficiaries normally covered by the institution of the place of temporary residence.

3. In the relations between Contracting Parties which have agreed to apply the provisions of paragraph 1, subparagraph (c), the competent institution shall refund the amount of the costs of medical care borne by the institution of the place of temporary residence, by virtue of the provisions of Article 4, in accordance with the specific arrangements reached between these Parties, notably on the basis of lump-sum payments determined by mutual agreement between the competent authorities of the Contracting Parties concerned, from all the appropriate references drawn from the data available.

Article 7

1. Where, under this Agreement, the institution of one Contracting Party is liable to pay sums in refund of costs borne by the institution of another Contracting Party, its liability shall be expressed in currency of the second Party. The first institution may validly discharge its liability in that currency, unless the Contracting Parties concerned have agreed on other arrangements.

2. Transfers of funds which result from the application of this Agreement shall be effected, if such exist, in accordance with the relevant agreements in force between the Contracting Parties concerned at the date of transfer. Where no such arrangements exist, specific agreements should be concluded between the Parties concerned.

Article 8

1. The competent authorities of the Contracting Parties shall communicate to each other—
(a) all information regarding measures taken by them for the application of this Agreement;

- (b) all information of use in the application of this Agreement;
- (c) all information regarding changes made in their legislation which may affect the application of this Agreement.

2. For the purpose of applying this Agreement the authorities and institutions of the Contracting Parties shall assist one another as if it were a matter of applying their own legislation. In principle the administrative assistance furnished by the said authorities and institutions to one another shall be free of charge. However, the competent authorities of the Contracting Parties may agree to reimburse certain expenses.

3. The authorities and institutions of the Contracting Parties may, for the purpose of applying this Agreement, communicate directly.

4. The authorities and institutions of the Contracting Parties may also communicate directly with the persons concerned or their representatives, in the interests of the persons entitled to benefit from the provisions of this Agreement.

5. The competent authorities of the Contracting Parties shall make whatever arrangements may be necessary to facilitate settlement of certain particular cases concerning individuals or groups, in the interests of the persons covered by the provisions of this Agreement.

Article 9

1. Any exemption from, or reduction of, taxes, stamp duty, legal dues or registration fees provided for in the legislation of one Contracting Party in connection with certificates or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar certificates and documents required to be produced for the purposes of the legislation of another Contracting Party or of this Agreement.

2. All official instruments, documents or certificates of any kind that are required to be produced for the purposes of this Agreement shall be exempt from authentication or any similar formality.

Article 10

1. Any claim or appeal that, under the legislation of a Contracting Party, should have been submitted within a specified time to an institution of that Party shall be admissible if it is submitted within the same period to a corresponding institution of another Contracting Party. In such event the institution receiving the claim or appeal shall forward it without delay to the institution of the First Party competent to deal with it either directly or through the intermediary of the competent authorities of the Contracting Party concerned. The date on which any claim or appeal was submitted to an institution of the second Contracting Party shall be deemed to be the date of its submission to the institution competent to deal with it.

2. The claims, declarations, appeals and other papers submitted to an authority or to an institution of a Contracting Party with a view to application of this Agreement shall not be rejected on the ground that they are drafted in an official language of another Contracting Party.

Article 11

Any dispute arising between two or more Contracting Parties in connection with the interpretation or application of this Agreement shall be settled by direct negotiation between the competent authorities of the Contracting Parties concerned. If there is a question which affects all the Contracting Parties, the Director-General of the International Labour Office may submit the dispute, at the request of these authorities and after consultation with the competent authorities of the other Contracting Parties, to a meeting of representatives of the competent authorities of all the Contracting Parties, which will give an opinion on the question.

Article 12

The annexes referred to in Article 2, paragraph 2, and Article 3, paragraph 1, and any subsequent amendments made to these annexes, shall be an integral part of this Agreement.

Article 13

1. This Agreement shall be open for signature by any European State at the International Labour Office.

2. This Agreement shall be subject to ratification. The instruments of ratification shall be deposited with the Director-General of the International Labour Office.

3. This Agreement shall come into force on the first day of the second month following that in which the second instrument of ratification is deposited.

4. In the case of any State that subsequently ratifies the Agreement, this Agreement shall come into force on the first day of the second month following that in which its instrument of ratification is deposited.

Article 14

1. After the expiry of a period of two years from the date on which this Agreement first comes into force, any non-European Member of the International Labour Organisation may accede to said Agreement.

2. However, the Contracting Parties to this Agreement shall be allowed a period of six months from the date on which the instrument of ratification of any acceding State is deposited, in accordance with paragraph 5, for notifying their objection to such accession, in accordance with the provisions of Article 18, paragraph 1.

3. Likewise, any European State ratifying this Agreement after the expiry of the two-year period provided for in paragraph 1 of this Article may, at the time when such instruments of ratification are deposited, avail itself of the same right of objection against any Contracting Party which has acceded prior to the date of such deposit, by notifying it in accordance with the provisions of Article 18, paragraph 1.

4. The acceding States shall become Contracting Parties only in relation to those Contracting Parties which have not lodged any opposition to their accession.

5. The instruments of ratification of the adhering States shall be deposited with the Director-General of the International Labour Office.

Article 15

1. In the relations between an acceding State and a Contracting Party which has not expressed objection to the accession of that State, this Agreement shall come into force on the first day of the second month following that in which expires the six-month period available to that Party, by virtue of Article 14, paragraph 2, to lodge an objection or, with regard to a European State to which Article 14, paragraph 3, applies, on the first day of the second month following that in which its instrument of ratification is deposited.

2. The Contracting Parties shall give notice, in accordance with the provisions of Article 18, paragraph 1, which of the provisions of subparagraph (a), of subparagraph (b) or of subparagraph (c) of paragraph 1 of Article 6, they have agreed to apply in their relations with one another.

3. If two or more Contracting Parties have not, when this Agreement comes into force in relation to them, concluded an arrangement on the application of the provisions referred to in the preceding paragraph and, as the case may be, an agreement of the type referred to in paragraph 2 of Article 7, the Agreement shall not take effect between those Parties until such arrangements become applicable in their relations with one another.

4. In the cases referred to in the preceding paragraph of this Article, the Contracting Parties concerned shall give notice, in accordance with the provisions of Article 18, paragraph 1, of the date on which this Agreement will take effect between them.

Article 16

1. This Agreement shall remain in force indefinitely.

2. However, any Contracting Party may denounce this Agreement after the expiry of a period of five years from the date on which the said Agreement first comes into force by giving notice in accordance with the provisions of Article 18, paragraph 1. Such denunciation shall not take effect until six months after it has been registered by the Director-General of the International Labour Office.

Article 17

1. After the expiry of a period of five years from the date on which this Agreement first comes into force, any Contracting Party may request the Director-General of the International Labour Office to convene a meeting to consider its possible revision.

2. On receipt of a request to this effect, the Director-General of the International Labour Office shall inform the other Contracting Parties thereof and, after consultation with the competent authorities of the Contracting Parties, may convene a meeting of representatives of the Contracting Parties and the signatory States.

Article 18

1. The notifications referred to in Article 2, paragraph 3, Article 3, paragraph 2, Article 14, paragraphs 2 and 3, Article 15, paragraphs 2 and 4, and Article 16, paragraph 2, shall be addressed to the Director-General of the International Labour Office.

2. The Director-General of the International Labour Office shall notify the Contracting Parties and the signatory States of—

- (a) the deposit of any instrument of ratification;
- (b) the dates of coming into force and of taking effect of this Agreement in accordance with the provisions of Article 15; and
- (c) any notification received in pursuance of the provisions of paragraph 1 of this Article.

Article 19

1. As soon as this Agreement first comes into force, a certified copy shall be provided by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

2. In accordance with Article 102 of the Charter of the United Nations, the Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration, any ratification and any denunciation of which he has been notified.

Article 20

1. Two or more Contracting Parties may conclude bilateral or multilateral arrangements for the application of this Agreement.

2. The International Labour Office shall prepare a model arrangement to help in concluding the administrative arrangements referred to in the preceding paragraph.

Article 21

An original of each of the English, French, German, Russian and Spanish texts of this Agreement shall be deposited in the archives of the International Labour Office. The English and French texts are equally authoritative.

IN WITNESS WHEREOF the undersigned, having deposited their respective credentials, have signed this Agreement.

Done at Geneva this seventeenth day of October 1980 in five original copies in English, French, German, Russian and Spanish.

The Director-General of the International Labour Office shall transmit certified copies of the text of this Agreement to the governments of each of the Signatory States.

(signed): A. Schuler,
President of the
Governmental Conference.

W. Fronczak,
Vice-President of the
Governmental Conference.

Procedures concerning the Effect Given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy Adopted by the Governing Body at its 214th (November 1980) Session

I. Further reporting

(a) Frequency of reporting

The next reporting period should cover the three years 1980, 1981 and 1982. The ILO questionnaire should be sent out by the first quarter of 1982 and the deadline for the receipt of replies should be set for 31 March 1983. Consideration of the replies might be expected to take place in the last quarter of 1983.

(b) Report forms

For the next reporting period the questionnaire (report form) used should be similar to that utilised on the occasion of the first reports; account should be taken of comments made during the debates of the Committee.

(c) Consultation with employers' and workers' organisations

Reports should continue to be prepared by governments after full consultation with the most representative employers' and workers' organisations. Governments should incorporate in their reports the observations received from these organisations.

Observations by such employers' and workers' organisations received by the ILO otherwise than as part of government reports could be used in the preparation of the Office documentation after they had been referred to the government concerned for comments in accordance with usual ILO practice.

The most representative organisations of employers and workers should be enabled to see each other's observations, whether submitted to governments or directly to the ILO.

(d) Other points

Governments would be expected to report on areas of the Declaration, including paragraph 12, for which they were responsible either as a home or as a host State. They should be requested to make every effort to gather information and data required for a comprehensive reply to the questionnaire.

Should individual companies be named in the national reports, or in observations received, this would be dealt with in the Office documentation in the same way as in the first summary of reports.

II. Follow-up machinery

There should be a standing Governing Body committee concerned with the follow-up of the Declaration. The committee should be similar in size and composition to the present ad hoc Committee. It should meet at least once a year.

The committee should examine the reports of governments on the application of the Declaration and should have such other functions as might be conferred on it, from time to time, including functions deriving from the recommendations made below.

III. Studies

The Office should undertake studies specifically relevant to areas covered by the Declaration. In this context, studies on the employment effects of multinational enterprises should be pursued. Other areas of priority interest should include: the activities of multinational enterprises and national development policies (paragraphs 10 and 12 of the Declaration); MNE

manpower plans (paragraphs 17 and 26); transfer of information on safety and health (paragraph 37); special investment incentives and social policy (paragraph 45); decision-making structures within MNEs (paragraph 51). It would be understood that these studies would be undertaken under the responsibility of the Office; completed studies and a progress report on ongoing research should once a year be brought to the attention of the Committee, which could also provide guidance for further research.

The relevant ILO departments should be provided with the necessary resources within the ILO's Programme and Budget to enable them to carry out these studies.

IV. Disputes concerning the application of the Declaration

Follow-up procedures regarding the Declaration should in no way duplicate or conflict with existing procedures. This means, in particular, that issues regarding national law and practice should be considered through appropriate national machinery; that issues regarding international labour Conventions and Recommendations should be examined through the various procedures provided for in articles 19, 22, 24 and 26 of the Constitution of the ILO, or through government requests to the Office for informal interpretation; and that issues concerning freedom of association should be considered through the special ILO procedures applicable to that area.

Where there was doubt whether a particular question was covered by one or other of the existing procedures, advice should be sought from the International Labour Office. In the event of difficulties, the Office should consult the Officers of the proposed standing Governing Body committee; in appropriate cases, the Officers might refer the issue to the full Committee.

As regards issues which were not covered by existing procedures, requests for the interpretation of the relevant provisions of the Declaration should be addressed to the ILO by a government, acting either on its own initiative or after consultations with representative organisations of employers or workers. Where a representative organisation of employers or workers had good reason to believe that the government concerned would not refer to the ILO an issue which could not be resolved at the national level by mutual agreement, it might itself refer the issue to the ILO; the ILO would inform the Government accordingly. Where a request had been made otherwise than as a result of consultation with or by a most representative organisation of employers or workers, these organisations should be informed by the ILO. Replies to requests for interpretation would be prepared by the Office using all appropriate sources of information, including government, employers' and workers' sources in the country concerned; the proposed replies would then be submitted to the proposed standing Governing Body committee preparatory to consideration by the Governing Body.

The International Labour Office would inform the proposed Governing Body committee of all action taken by the Office in pursuance of the preceding paragraphs.

V. Tripartite consultations regarding the Declaration at the national level

Tripartite consultation arrangements regarding follow-up of the Declaration should be made in accordance with national law and practice, taking into account the aims of the Tripartite Consultations (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultations (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152). Information on such national consultations should be included in the government reports on the effect given to the Declaration.

VI. Promotion of the observance of the Declaration

Governments, employers' and workers' organisations and the MNEs themselves should continue their efforts to promote acceptance of and adherence to the principles of the Declaration. They should be prepared, in this regard, to consult each other.

VII. Relationship with implementation procedures of other bodies

The ILO should retain sole responsibility for the implementation and interpretation of the Declaration, while ensuring appropriate co-ordination with the United Nations and other organisations.

Role and Place of the ILO in the Restructured United Nations System: Conclusions Adopted by the Governing Body

At its 32nd Session, the United Nations General Assembly adopted Resolution 32/197 on the restructuring of the economic and social sectors of the United Nations system which specifically requested the organisations within the United Nations system to implement the recommendations in it within their spheres of competence and to present progress reports on the subject to the General Assembly.

To follow up this resolution, the Governing Body examined the matter in depth and adopted at its 212th Session (March 1980) the following two sets of conclusions concerning the role and place of the International Labour Organisation in the restructured United Nations system, and invited the Director-General to draw them to the attention of the United Nations.

CONCLUSIONS ADOPTED BY THE GOVERNING BODY¹

- (a) The constitutional position of the International Labour Organisation in the United Nations system is established by the Constitution of the ILO and the Declaration of Philadelphia, the relevant provisions of the Charter of the United Nations and the Agreement between the United Nations and the International Labour Organisation which confers upon the Organisation the status of specialised agency and recognises its competence defined in its Constitution as a tripartite organisation with its own international legal personality.
- (b) The purpose of General Assembly Resolution 32/197 is not to affect or modify this constitutional position but to apply the existing constitutional provisions in such a manner as to ensure a greater coherence and effectiveness of action by the United Nations system as a whole. This is to be welcomed in the mutual interests of all parts of that system.
- (c) The aim of the Resolution is to achieve a closer partnership between the United Nations and the specialised agencies. On the one hand, the General Assembly and the Economic and Social Council are to make a greater and more sustained exercise of their leadership and co-ordinating responsibilities under their existing powers while respecting the competence of the specialised agencies. On the other hand, the participation of those agencies in the functioning of the system is to be enhanced through a firmer commitment to the multidisciplinary approach advocated in the Resolution, the use of agency inputs in the analytical work and the formulation of policy recommendations, joint planning and the enhanced role of the Administrative Committee on Co-ordination.
- (d) The ILO stands ready to make its own distinctive contribution, as a tripartite organisation, to the collective efforts of the system and to support through its own action the work of the United Nations and the other agencies. At the same time, the ILO expects that its concerns will be shared by the other members of the system, just as it will share their concern, to the mutual benefit of all the partners.
- (e) The ILO stands ready to provide advice on or to dispose of such issues within its competence as may be referred to it through the adoption of standards or other appropriate measures but expects that full use will be made of its expertise and machinery in regard to matters within its competence.
- (f) In support of the common efforts, the ILO will make flexible use of its resources, but any major undertaking of an inter-agency nature involving significant expenditure should be planned and agreed to sufficiently in advance so that the necessary resources can be provided for.

¹ By a letter dated 31 March 1980, the Director-General transmitted the text of these conclusions to the Secretary-General of the United Nations.

CONCLUSIONS ADOPTED BY THE GOVERNING BODY FOR THE GUIDANCE OF ITS INTERNATIONAL ORGANISATIONS COMMITTEE AND THE DIRECTOR-GENERAL

- (a) The weight of the views of the ILO in the restructured United Nations system depends crucially upon the quality and timeliness of its contribution to endeavours of common concern. In order to play its full part in the restructured system, the ILO should therefore be ready to provide prompt advice or assistance on matters of concern to it arising in other organisations of the system, whether on its own initiative or in response to requests from the United Nations or other organisations. This may require some rearrangements in the contents and timing of ILO activities in the light of the over-all objectives of the United Nations system as well as flexible use of existing resources. The best way of meeting new requirements remains the normal use of the budgeting process based on advanced notice of the requirements for ILO assistance.
- (b) The growing recognition of the inter-relation between economic and social policy as well as the multidisciplinary approach to development involve the participation of a larger number of organisations in the handling of broad problems in which the ILO is also concerned. Where co-operative action by several organisations is required, just as the views of the ILO must be taken into account, the ILO must, in turn, be aware of the concerns and constraints of other organisations so as to arrive at a balanced common view.
- (c) The weight of a tripartite view in an otherwise exclusively intergovernmental system depends both on the inner strength of tripartism and on action by the ILO's constituents. The intrinsic strength of tripartism lies in, and can best be demonstrated by, its ability to devise original, constructive solutions transcending the traditional boundaries of international politics which could not otherwise be arrived at.
- (d) The support of the ILO constituents for a tripartite view must also be felt at the national level when national policies regarding the United Nations system are established. If Government, Employer and Worker members are to play an effective part in consultations regarding the formulation of such policies, they must be kept informed, through the International Organisations Committee, of forthcoming debates in other organisations, and particularly in the United Nations on issues of concern to the ILO. Likewise, the Committee should devote special attention to future developments rather than past events.
- (e) When appropriate, the ILO should be represented at meetings of other organisations by Tripartite Governing Body delegations.

Standing Orders concerning the Procedure for the Examination of Representations under Articles 24 and 25 of the Constitution of the International Labour Organisation¹

(Adopted by the Governing Body at its 212th (March 1980) Session)

GENERAL PROVISION

Article 1

When a representation is made to the International Labour Office under article 24 of the Constitution of the Organisation, the Director-General shall acknowledge its receipt and inform the government against which the representation is made.

RECEIVABILITY OF THE REPRESENTATION

Article 2

1. The Director-General shall immediately bring the representation before the Officers of the Governing Body.

2. The receivability of a representation is subject to the following conditions:

- (a) it must be communicated to the International Labour Office in writing;
- (b) it must emanate from an industrial association of employers or workers;
- (c) it must make specific reference to article 24 of the Constitution of the Organisation;
- (d) it must concern a Member of the Organisation;
- (e) it must refer to a Convention to which the Member against which it is made is a party; and
- (f) it must indicate in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Convention.

3. The Officers shall report to the Governing Body on the receivability of the representation.

4. In reaching a decision concerning receivability on the basis of the report of its Officers, the Governing Body shall not enter into a discussion of the substance of the representation.

REFERENCE TO A COMMITTEE

Article 3

1. If the Governing Body decides, on the basis of the report of its Officers, that a representation is receivable, it shall set up a committee for the examination thereof, composed of members of the Governing Body chosen in equal numbers from the Government, Employers' and Workers' groups. No representative or national of the State against which the representation has been made and no person occupying an official position in the association of employers or workers which has made the representation may be a member of this committee.

¹ These Articles of the Constitution read as follows:

Article 24. In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

Article 25. If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

2. Notwithstanding the provisions of paragraph 1 of this Article, if a representation which the Governing Body decides is receivable relates to a Convention dealing with trade union rights, it may be referred to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution.

3. The meetings of the committee appointed by the Governing Body pursuant to paragraph 1 of this Article shall be held in private and all the steps in the procedure before the committee shall be confidential.

EXAMINATION OF THE REPRESENTATION BY THE COMMITTEE

Article 4

1. During its examination of the representation, the committee may:

- (a) request the association which has made the representation to furnish further information within the time fixed by the committee;
- (b) communicate the representation to the government against which it is made without inviting that government to make any statement in reply;
- (c) communicate the representation (including all further information furnished by the association which has made the representation) to the government against which it is made and invite the latter to make a statement on the subject within the time fixed by the committee;
- (d) upon receipt of a statement from the government concerned, request the latter to furnish further information within the time fixed by the committee;
- (e) invite a representative of the association which has made the representation to appear before the committee to furnish further information orally.

2. The Committee may prolong any time limit fixed under the provisions of paragraph 1 of this Article, in particular at the request of the association or government concerned.

Article 5

If the committee invites the government concerned to make a statement on the subject of the representation or to furnish further information, the government may:

- (a) communicate such statement or information in writing;
- (b) request the committee to hear a representative of the government;
- (c) request that a representative of the Director-General visit its country to obtain, through direct contacts with the competent authorities and organisations, information on the subject of the representation, for presentation to the committee.

Article 6

When the committee has completed its examination of the representation as regards substance, it shall present a report to the Governing Body in which it shall describe the steps taken by it to examine the representation, present its conclusions on the issues raised therein and formulate its recommendations as to the decisions to be taken by the Governing Body.

CONSIDERATION OF THE REPRESENTATION BY THE GOVERNING BODY

Article 7

1. When the Governing Body considers the reports of its Officers on the issue of receivability and of the committee on the issues of substance, the government concerned, if not already represented on the Governing Body, shall be invited to send a representative to take part in its proceedings while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government.

2. Such a representative shall have the right to speak under the same conditions as a member of the Governing Body, but shall not have the right to vote.

3. The meetings of the Governing Body at which questions relating to a representation are considered shall be held in private.

Article 8

If the Governing Body decides to publish the representation and the statement, if any, made in reply to it, it shall decide on the form and date of publication. Such publication shall close the procedure under articles 24 and 25 of the Constitution.

Article 9

The International Labour Office shall notify the decisions of the Governing Body to the government concerned and to the association which made the representation.

Article 10

When a representation within the meaning of article 24 of the Constitution of the Organisation is communicated to the Governing Body, the latter may at any time in accordance with paragraph 4 of article 26 of the Constitution adopt, against the government against which the representation is made and concerning the Convention the effective observance of which is contested, the procedure of complaint provided for in article 26 and the following articles.

REPRESENTATIONS AGAINST NON-MEMBERS

Article 11

In the case of a representation against a State which is no longer a Member of the Organisation, in respect of a Convention to which it remains a party, the procedure provided for in these Standing Orders shall apply in virtue of article 1, paragraph 5, of the Constitution.

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INTERNATIONAL LABOUR OFFICE

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INFORMATION

67th Session of the International Labour Conference¹

(Geneva, 3-24 June 1981)

The 67th Session of the International Labour Conference was held from Wednesday 3 June to Wednesday 24 June 1981 under the presidency of Mr. Alioune Diagne, Minister of the Civil Service, Employment and Labour of Senegal.

The agenda was as follows:

- I. Reports of the Governing Body and the Director-General.
- II. Programme and budget proposals and other financial questions.
- III. Information and reports on the application of Conventions and Recommendations.
- IV. Promotion of collective bargaining (*second discussion*).
- V. Equal opportunities and equal treatment for men and women workers: workers with family responsibilities (*second discussion*).
- VI. Safety and health and the working environment (*second discussion*).
- VII. Maintenance of migrant workers' rights in social security (revision of Convention No. 48) (*first discussion*).
- VIII. Termination of employment at the initiative of the employer (*first discussion*).
- IX. Structure of the ILO: Report of the Working Party on Structure.
- X. Apartheid in South Africa, including the updating of the 1964 Declaration concerning the Policy of Apartheid of the Republic of South Africa.

¹ The texts of the instruments, resolutions and other decisions adopted by the Conference appear on pp. 107-155 below. More detailed information on the proceedings of the Conference, including names of the participants, the verbatim record of plenary sittings, committee reports, etc., is to be found in the *Record of Proceedings* of the 67th Session which consists of the 41 issues of the *Provisional Record* and the list of delegations published in the course of the session, and a complementary part published after its close and containing, inter alia, the table of contents, a list of corrigenda and an index to speakers in plenary sitting.

Composition of the Governing Body of the International Labour Office for the Period 1981-84

As a result of the elections carried out by the respective electoral colleges of the International Labour Conference on 10 June 1981, the composition of the Governing Body of the International Labour Office for the period 1981-84 is as follows:

Regular members

Government members :

Australia.	India. ¹
Bahrain.	Italy. ¹
Bangladesh.	Japan. ¹
Barbados.	Kenya.
Brazil. ¹	Mali.
Bulgaria.	Mexico.
Canada. ¹	Mozambique.
China. ^{1,2}	Netherlands.
Colombia.	Nigeria.
Ecuador.	Philippines.
Egypt.	Senegal.
France. ¹	USSR. ¹
German Democratic Republic.	United Kingdom. ¹
Germany, Federal Republic of. ¹	United States. ¹
	Venezuela.

Employer members :

Mr. F. Bannerman-Menson (*Ghana*).
 Mr. M. Eurnekian (*Argentina*).
 Mr. D. J. Flunder (*United Kingdom*).
 Mr. H. Georget (*Niger*).
 Mr. A. Gharbaoui (*Morocco*).
 Mr. D. L. Grove (*United States*).
 Mr. W.-D. Lindner (*Federal Republic of Germany*).
 Mr. M. Nasr (*Lebanon*).
 Mr. J.-J. Oechslin (*France*).
 Mr. G. Polites (*Australia*).
 Mr. N. H. Tata (*India*).
 Mr. A. Verschueren (*Belgium*).
 Mr. H. G. Villalobos (*Venezuela*).
 Mr. K. Yoshino (*Japan*).

Worker members :

Mr. I. Brown (*United States*).
 Mrs. S. Carr (*Canada*).

¹ Members holding non-elective seats as States of chief industrial importance.

² Not currently participating in the work of the Governing Body.

Mr. C. O. Dolan (*Australia*).
 Mr. J. González Navarro (*Venezuela*).
 Mr. A. M. Issifu (*Ghana*).
 Mr. G. Lloyd (*United Kingdom*).
 Mr. E. J. Mashasi (*Tanzania*).
 Mr. K. Mehta (*India*).
 Mr. G. Muhr (*Federal Republic of Germany*).
 Mr. V. I. Prokhorov (*USSR*).
 Mr. A. Sánchez Madariaga (*Mexico*).
 Mr. M. D. Sow (*Mauritania*).
 Mr. J. Svenningsen (*Denmark*).
 Mr. Y. Tanaka (*Japan*).

Deputy members

Government deputy members:

Algeria.	Hungary.
Angola.	Indonesia.
Argentina.	Madagascar.
Belgium.	Mongolia.
Burma.	Panama.
Cuba.	Portugal.
Denmark.	Ukrainian SSR.
Ethiopia.	Uruguay.
Ghana.	Zimbabwe.

Employer deputy Members:

Mr. A. Al-Jassem (*Kuwait*).
 Mr. V. Castellano Sabater (*Spain*).
 Mr. S. B. Chambers (*Jamaica*).
 Mr. A. Deschamps (*Canada*).
 Mr. J. Escobar Padrón (*Colombia*).
 Mr. J. von Holten (*Sweden*).
 Mr. F. Moukoko Kingue (*United Republic of Cameroon*).
 Mr. Munga-wa-Nyasa (*Zaire*).
 Mr. T. D. Owuor (*Kenya*).
 Mr. A. Periquet (*Philippines*).
 Mr. N. Said (*Tunisia*).
 Mrs. L. Sasso-Mazzufferi (*Italy*).
 Mr. F. C. Sumbwe (*Zambia*).
 Mr. F. Yllanes Ramos (*Mexico*).

Worker deputy Members:

Mr. J. Abondo (*United Republic of Cameroon*).
 Mr. N. Barnabo (*Togo*).
 Mr. G. Ben-Israel (*Israel*).
 Mr. M. Blondel (*France*).
 Mr. Y. Briki (*Algeria*).
 Mr. T. E. Cuevas (*Colombia*).
 Mr. V. David (*Malaysia*).
 Mr. H. Maier (*Austria*).
 Mr. D. T. Mendoza (*Philippines*).

Mr. A. Sudono (*Indonesia*).
Mr. J. Timmer (*Hungary*).
Mr. R. Vanni (*Italy*).
Mr. F. Walcott (*Barbados*).
Mr. N. Zimba (*Zambia*).

Employer and worker substitute deputy members

Employer substitutes:

Mr. E. S. Appadurai (*Sri Lanka*).
Mr. M. Arbesser-Rastburg (*Austria*).
Mr. H. Bektı (*Indonesia*).
Mr. A. Dajani (*Jordan*).
Mr. R. Decosterd (*Switzerland*).
Mr. F. Diaz Garaycoa (*Ecuador*).
Mr. W. Durling (*Panama*).
Miss C. Hak (*Netherlands*).
Mr. R. Ibrahimoglu (*Turkey*).
Mr. M. M. Khan (*Bangladesh*).
Mr. N. Kouadio (*Ivory Coast*).
Mr. M. Montt Balmaceda (*Chile*).
Mr. J. A. Namata (*Tanzania*).
Mr. G. C. Okogwu (*Nigeria*).
Mr. C. Ouedraogo (*Upper Volta*).
Mr. J. W. Rowe (*New Zealand*).
Mr. J. Santos Neves Filho (*Brazil*).

Worker substitutes:¹

Mr. K. Ahmed (*Pakistan*).
Mr. E. N. Mabumo (*Mozambique*).
Mr. M. P. Sundaram (*Sri Lanka*).
Mr. W. J. Knox (*New Zealand*).
Mr. A. Ghelfi (*Switzerland*).
Mr. J. Boy (*Kenya*).
Mr. B. Traore (*Mali*).
Mr. M. Simon (*Spain*).
Mr. H. M. Eid (*Egypt*).
Mr. P. Theofanopoulos (*Greece*).
Mr. B. Mainassara (*Niger*).
Mr. A. de Bruin (*Netherlands*).
Mr. J. Cruzado Zavala (*Peru*).
Mr. J. A. Portocarrero (*Brazil*).

As the composition of the ILO's Regional Advisory Committees for the period 1981-84 was still incomplete at the time of going to press, it will appear in a subsequent issue of the *Official Bulletin*.

¹ In order of priority.

Official Measures Taken regarding Decisions of the International Labour Conference¹

Ratifications of International Labour Conventions and Declarations concerning the Application of Conventions to Non-Metropolitan Territories

Notice is hereby given that the Director-General of the International Labour Office has registered the undermentioned ratifications of international labour Conventions and declarations concerning the application of Conventions to non-metropolitan territories. In pursuance of article 20 of the Constitution of the International Labour Organisation, particulars of these ratifications and declarations have been communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

State	Convention	Date of registration of ratification/declaration	Date on which ratification/declaration will take effect
I. Ratifications			
Bahrain	Weekly Rest (Industry) Convention, 1921 (No. 14)	11 June 1981	11 June 1981
	Forced Labour Convention, 1930, (No. 29)	"	11 June 1982
	Labour Inspection Convention, 1947 (No. 81)	"	"
	Night Work (Women) Convention (Revised), 1948 (No. 89)	"	"
Costa Rica	Continuity of Employment (Seafarers) Convention, 1976 (No. 145)	16 June 1981	16 June 1982
	Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	24 June 1981	24 June 1982
	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	16 June 1981	16 June 1982

¹ Period covered: 1 April 1981 to 15 July 1981.

State	Convention	Date of registration of ratification/declaration	Date on which ratification/declaration will take effect
Cyprus	Labour Administration Convention, 1978 (No. 150)	6 July 1981	6 July 1982
	Labour Relations (Public Service) Convention, 1978 (No. 151)	"	"
Denmark	Human Resources Development Convention, 1975 (No. 142)	5 June 1981	5 June 1982
	Nursing Personnel Convention, 1977 (No. 149)	"	"
	Labour Administration Convention, 1978 (No. 150)	"	"
	Labour Relations (Public Service) Convention, 1978 (No. 151)	"	"
Finland	Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)	3 July 1981	3 July 1982
France	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	28 May 1981	28 May 1982
Greece	Repatriation of Seamen Convention, 1926 (No. 23)	6 May 1981	6 May 1981
	Medical Examination (Seafarers) Convention, 1946 (No. 73)	6 May 1981	6 November 1981
Iceland	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	30 June 1981	30 June 1982
Italy	Certification of Able Seamen Convention, 1946 (No. 74)	23 June 1981	23 June 1982
	Accommodation of Crews Convention (Revised), 1949 (No. 92)	"	23 December 1981
	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)	"	Six months after the date of registration of the last of the ratifications meeting the requirements laid down in Article 27, paragraph 2, of the Convention.
	Labour Inspection (Agriculture) Convention, 1969 (No. 129)	"	23 June 1982

	Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)	"	Twelve months after ratifications by twelve Members meeting the requirements laid down in Article 15, paragraph 2, of the Convention.
	Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)	"	23 June 1982
	Workers' Representatives Convention, 1971 (No. 135)	"	"
	Benzene Convention, 1971 (No. 136)	"	"
	Dock Work Convention, 1973 (No. 137)	"	"
	Occupational Cancer Convention, 1974 (No. 139)	"	"
	Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	"	"
	Continuity of Employment (Seafarers) Convention, 1976 (No. 145)	"	"
	Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	"	"
Japan	Employment Injury Benefits Convention, 1964 (No. 121)	23 June 1981	23 June 1981
	<i>Notification, in accordance with Article 31, paragraph 2, of the Convention, of the acceptance of the amendments to Schedule I to this Convention, adopted by the International Labour Conference at its 66th Session (1980).</i>		
Liberia	Seafarers' Identity Documents Convention, 1958 (No. 108)	8 July 1981	8 July 1982
	Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	"	"
Morocco	Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	15 June 1981	15 June 1982
Portugal	Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)	19 May 1981	19 May 1981
Rwanda	Minimum Age Convention, 1973 (No. 138)	15 April 1981	15 April 1982
	<i>The minimum age of 14 years has been specified pursuant to Article 2, paragraph 4, of the Convention.</i>		

State	Convention	Date of registration of ratification/declaration	Date on which ratification/declaration will take effect
Swaziland	Underground Work (Women) Convention, 1935 (No. 45)	5 June 1981	5 June 1982
	Labour Inspection Convention, 1947 (No. 81)	"	"
	Night Work (Women) Convention (Revised), 1948 (No. 89)	"	"
	Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)	"	"
	Labour Clauses (Public Contracts) Convention, 1949 (No. 94)	"	"
	Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)	"	"
	<i>Acceptance of the provisions of Part II has been specified pursuant to Article 2, paragraph 1, of the Convention.</i>		
	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)	5 June 1981	5 June 1982
	Equal Remuneration Convention, 1951 (No. 100)	"	"
	Holidays with Pay (Agriculture) Convention, 1952 (No. 101)	"	"
	Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)	"	"
	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	"	"
	Minimum Age (Underground Work) Convention, 1965 (No. 123)	"	"
	<i>The minimum age of 16 years has been specified pursuant to Article 2, paragraph 2, of the Convention.</i>		
	Minimum Wage Fixing Convention, 1970 (No. 131)	5 June 1981	5 June 1982
	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	"	"
Switzerland	Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)	4 May 1981	Twelve months after the date of registration of a second ratification.

Uruguay	Employment Injury Benefits Convention, 1964 (No. 121) <i>Notification, in accordance with Article 31, paragraph 2, of the Convention, of the acceptance of the amendments to Schedule I to this Convention, adopted by the International Labour Conference at its 66th Session (1980).</i>	27 April 1981	27 April 1981
Yugoslavia	Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	19 June 1981	19 June 1982

II. Declarations

Denmark	Human Resources Development Convention, 1975 (No. 142) Nursing Personnel Convention, 1977 (No. 149) Labour Administration Convention, 1978 (No. 150) Labour Relations (Public Service) Convention, 1978 (No. 151) <i>Not applicable</i> : Faeroe Islands, Greenland	5 June 1981	—
United Kingdom	Weekly Rest (Industry) Convention, 1921 (No. 14) <i>Applicable with modifications</i> : Hong Kong <i>Article 2</i> . Non-manual workers in receipt of a salary exceeding HK\$6,000 per month have no statutory entitlement to rest days. <i>Article 5</i> . Adult male workers with a statutory entitlement to one rest day every seven days may work voluntarily on that day, but there is no statutory requirement that a compensatory rest period should be granted. <i>This declaration supersedes a declaration of application with modifications registered on 11 February 1980.</i> Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) <i>Applicable with modifications</i> : Hong Kong <i>Article 3 (1)</i> . Young persons of or over the age of 15 years and under 18 years may be employed in an industrial undertaking during the night: (a) in a clerical or managerial capacity, or in any health or welfare service connected with the undertaking;	9 April 1981	9 April 1981

State	Convention	Date of registration of ratification/declaration	Date on which ratification/ declaration will take effect
United Kingdom (cont.)	(b) in cleaning the premises, or any part thereof, of an undertaking, otherwise than in cleaning which is incidental to or connected with any process; or		
	(c) solely as caretakers in the premises of the undertaking.		
	<i>This declaration supersedes a declaration of application with modifications registered on 11 August 1980.</i>		
	Holidays with Pay (Agriculture) Convention, 1952 (No. 101)		
	<i>Applicable with modifications:</i> Hong Kong	9 April 1981	9 April 1981
	<i>Article 1.</i> The Convention is applied to all manual workers and to non-manual workers, whose wages do not exceed HK\$6,000 per month.		
	<i>This declaration supersedes a declaration of application with modifications registered on 13 November 1979.</i>		
	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)		
	<i>Applicable with modifications:</i> Hong Kong	9 April 1981	9 April 1981
	<i>Article 1.</i> Agriculture, animal husbandry, fishing, forestry and marine transport are excluded from the application of the provisions of this Convention in respect of air pollution.		
	Labour Administration Convention, 1978 (No. 150)		
	<i>Applicable without modification:</i> Guernsey, Isle of Man	12 May 1981	12 May 1981
	Labour Relations (Public Service) Convention, 1978 (No. 151)		
	<i>Applicable without modification:</i> Guernsey	12 May 1981	12 May 1981
	<i>Decision reserved:</i> Isle of Man	12 May 1981	—
	<i>Not applicable:</i> Jersey	12 May 1981	—

DOCUMENTS¹

Conventions and Recommendations, Resolutions and Additional Texts and Decisions Adopted by the International Labour Conference at Its 67th Session

(Geneva, 1981)

CONVENTIONS AND RECOMMENDATIONS

Convention 154

Convention concerning the Promotion of Collective Bargaining²

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981,
and

Reaffirming the provision of the Declaration of Philadelphia recognising “the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve... the effective recognition of the right of collective bargaining”, and noting that this principle is “fully applicable to all people everywhere”, and

Having regard to the key importance of existing international standards contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Collective Agreements Recommendation, 1951, the Voluntary Conciliation and Arbitration Recommendation, 1951, the Labour Relations (Public Service) Convention and Recommendation, 1978, and the Labour Administration Convention and Recommendation, 1978,
and

Considering that it is desirable to make greater efforts to achieve the objectives of these standards and, particularly, the general principles set out in Article 4 of the Right to Organise and Collective Bargaining Convention, 1949, and in Paragraph 1 of the Collective Agreements Recommendation, 1951, and

Considering accordingly that these standards should be complemented by appropriate measures based on them and aimed at promoting free and voluntary collective bargaining, and

¹ This section contains the decisions of the Conference, without details of the circumstances of their adoption except where they were the result of a formal vote. The comments or reservations by delegates or groups, subject to which the decisions were taken, will be found in detail in the *Record of Proceedings* of the 67th Session of the Conference (see p. 97, note 1).

² Adopted by the Conference on 19 June 1981 by 332 votes in favour, 0 against, with 108 abstentions.

Having decided upon the adoption of certain proposals with regard to the promotion of collective bargaining, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this nineteenth day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Collective Bargaining Convention, 1981:

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all branches of economic activity.
2. The extent to which the guarantees provided for in this Convention apply to the armed forces and the police may be determined by national laws or regulations or national practice.
3. As regards the public service, special modalities of application of this Convention may be fixed by national laws or regulations or national practice.

Article 2

For the purpose of this Convention the term “collective bargaining” extends to all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more workers’ organisations, on the other, for—

- (a) determining working conditions and terms of employment; and/or
- (b) regulating relations between employers and workers; and/or
- (c) regulating relations between employers or their organisations and a workers’ organisation or workers’ organisations.

Article 3

1. Where national law or practice recognises the existence of workers’ representatives as defined in Article 3, subparagraph (b), of the Workers’ Representatives Convention, 1971, national law or practice may determine the extent to which the term “collective bargaining” shall also extend, for the purpose of this Convention, to negotiations with these representatives.

2. Where, in pursuance of paragraph 1 of this Article, the term “collective bargaining” also includes negotiations with the workers’ representatives referred to in that paragraph, appropriate measures shall be taken, wherever necessary, to ensure that the existence of these representatives is not used to undermine the position of the workers’ organisations concerned.

PART II. METHODS OF APPLICATION

Article 4

The provisions of this Convention shall, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards or in such other

manner as may be consistent with national practice, be given effect by national laws or regulations.

PART III. PROMOTION OF COLLECTIVE BARGAINING

Article 5

1. Measures adapted to national conditions shall be taken to promote collective bargaining.

2. The aims of the measures referred to in paragraph 1 of this Article shall be the following:

- (a) collective bargaining should be made possible for all employers and all groups of workers in the branches of activity covered by this Convention;
- (b) collective bargaining should be progressively extended to all matters covered by subparagraphs (a), (b) and (c) of Article 2 of this Convention;
- (c) the establishment of rules of procedure agreed between employers' and workers' organisations should be encouraged;
- (d) collective bargaining should not be hampered by the absence of rules governing the procedure to be used or by the inadequacy or inappropriateness of such rules;
- (e) bodies and procedures for the settlement of labour disputes should be so conceived as to contribute to the promotion of collective bargaining.

Article 6

The provisions of this Convention do not preclude the operation of industrial relations systems in which collective bargaining takes place within the framework of conciliation and/or arbitration machinery or institutions, in which machinery or institutions the parties to the collective bargaining process voluntarily participate.

Article 7

Measures taken by public authorities to encourage and promote the development of collective bargaining shall be the subject of prior consultation and, whenever possible, agreement between public authorities and employers' and workers' organisations.

Article 8

The measures taken with a view to promoting collective bargaining shall not be so conceived or applied as to hamper the freedom of collective bargaining.

PART IV. FINAL PROVISIONS

Article 9

This Convention does not revise any existing Convention or Recommendation.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 13

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 14

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 15

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 16

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

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 17

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-seventh Session which was held at Geneva and declared closed the twenty-fourth day of June 1981.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1981.

The President of the Conference,
ALIOUNE DIAGNE

The Director-General of the International Labour Office,
FRANCIS BLANCHARD

Convention 155

Convention concerning Occupational Safety and Health and the Working Environment¹

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981,
and

Having decided upon the adoption of certain proposals with regard to safety and health and the working environment, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Occupational Safety and Health Convention, 1981:

¹ Adopted by the Conference on 22 June 1981 by 408 votes in favour, 1 against, with 8 abstentions.

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all branches of economic activity.

2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, particular branches of economic activity, such as maritime shipping or fishing, in respect of which special problems of a substantial nature arise.

3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation, any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion and describing the measures taken to give adequate protection to workers in excluded branches, and shall indicate in subsequent reports any progress towards wider application.

Article 2

1. This Convention applies to all workers in the branches of economic activity covered.

2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, limited categories of workers in respect of which there are particular difficulties.

3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation, any limited categories of workers which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall indicate in subsequent reports any progress towards wider application.

Article 3

For the purpose of this Convention—

- (a) the term “branches of economic activity” covers all branches in which workers are employed, including the public service;
- (b) the term “workers” covers all employed persons, including public employees;
- (c) the term “workplace” covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;
- (d) the term “regulations” covers all provisions given force of law by the competent authority or authorities;
- (e) the term “health”, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

PART II. PRINCIPLES OF NATIONAL POLICY

Article 4

1. Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers,

formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

2. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

Article 5

The policy referred to in Article 4 of this Convention shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:

- (a) design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes);
- (b) relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers;
- (c) training, including necessary further training, qualifications and motivations of persons involved, in one capacity or another, in the achievement of adequate levels of safety and health;
- (d) communication and co-operation at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level;
- (e) the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.

Article 6

The formulation of the policy referred to in Article 4 of this Convention shall indicate the respective functions and responsibilities in respect of occupational safety and health and the working environment of public authorities, employers, workers and others, taking account both of the complementary character of such responsibilities and of national conditions and practice.

Article 7

The situation regarding occupational safety and health and the working environment shall be reviewed at appropriate intervals, either over-all or in respect of particular areas, with a view to identifying major problems, evolving effective methods for dealing with them and priorities of action, and evaluating results.

PART III. ACTION AT THE NATIONAL LEVEL

Article 8

Each Member shall, by laws or regulations or any other method consistent with national conditions and practice and in consultation with the representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to Article 4 of this Convention.

Article 9

1. The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.

2. The enforcement system shall provide for adequate penalties for violations of the laws and regulations.

Article 10

Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations.

Article 11

To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

- (a) the determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;
- (b) the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorisation or control by the competent authority or authorities; health hazards due to the simultaneous exposure to several substances or agents shall be taken into consideration;
- (c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;
- (d) the holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;
- (e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work;
- (f) the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect of the risk to the health of workers.

Article 12

Measures shall be taken, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer machinery, equipment or substances for occupational use—

- (a) satisfy themselves that, so far as is reasonably practicable, the machinery, equipment or substance does not entail dangers for the safety and health of those using it correctly;
- (b) make available information concerning the correct installation and use of machinery and equipment and the correct use of substances, and information

on hazards of machinery and equipment and dangerous properties of chemical substances, physical and biological agents or products, as well as instructions on how known hazards are to be avoided;

- (c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with subparagraphs (a) and (b) of this Article.

Article 13

A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.

Article 14

Measures shall be taken with a view to promoting, in a manner appropriate to national conditions and practice, the inclusion of questions of occupational safety and health and the working environment at all levels of education and training, including higher technical, medical and professional education, in a manner meeting the training needs of all workers.

Article 15

1. With a view to ensuring the coherence of the policy referred to in Article 4 of this Convention and of measures for its application, each Member shall, after consultation at the earliest possible stage with the most representative organisations of employers and workers, and with other bodies as appropriate, make arrangements appropriate to national conditions and practice to ensure the necessary co-ordination between various authorities and bodies called upon to give effect to Parts II and III of this Convention.

2. Whenever circumstances so require and national conditions and practice permit, these arrangements shall include the establishment of a central body.

PART IV. ACTION AT THE LEVEL OF THE UNDERTAKING

Article 16

1. Employers shall be required to ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health.

2. Employers shall be required to ensure that, so far as is reasonably practicable, the chemical, physical and biological agents and substances under their control are without risk to health when the appropriate measures of protection are taken.

3. Employers shall be required to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.

Article 17

Whenever two or more undertakings engage in activities simultaneously at one workplace, they shall collaborate in applying the requirements of this Convention.

Article 18

Employers shall be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements.

Article 19

There shall be arrangements at the level of the undertaking under which—

- (a) workers, in the course of performing their work, co-operate in the fulfilment by their employer of the obligations placed upon him;
- (b) representatives of workers in the undertaking co-operate with the employer in the field of occupational safety and health;
- (c) representatives of workers in an undertaking are given adequate information on measures taken by the employer to secure occupational safety and health and may consult their representative organisations about such information provided they do not disclose commercial secrets;
- (d) workers and their representatives in the undertaking are given appropriate training in occupational safety and health;
- (e) workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to enquire into, and are consulted by the employer on, all aspects of occupational safety and health associated with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;
- (f) a worker reports forthwith to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; until the employer has taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.

Article 20

Co-operation between management and workers and/or their representatives within the undertaking shall be an essential element of organisational and other measures taken in pursuance of Articles 16 to 19 of this Convention.

Article 21

Occupational safety and health measures shall not involve any expenditure for the workers.

PART V. FINAL PROVISIONS

Article 22

This Convention does not revise any international labour Conventions or Recommendations.

Article 23

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 24

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 25

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 26

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 27

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 28

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 29

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

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 25 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 30

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-seventh Session which was held at Geneva and declared closed the twenty-fourth day of June 1981.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1981.

The President of the Conference,
ALIOUNE DIAGNE

The Director-General of the International Labour Office,
FRANCIS BLANCHARD

Convention 156

Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities¹

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-seventh Session on 3 June 1981,
and

Noting the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation which recognises that “all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, and

Noting the terms of the Declaration on Equality of Opportunity and Treatment for Women Workers and of the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, adopted by the International Labour Conference in 1975, and

Noting the provisions of international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and

¹ Adopted by the Conference on 23 June 1981 by 331 votes in favour, 0 against, with 86 abstentions.

women workers, namely the Equal Remuneration Convention and Recommendation, 1951, the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and Part VIII of the Human Resources Development Recommendation, 1975, and

Recalling that the Discrimination (Employment and Occupation) Convention, 1958, does not expressly cover distinctions made on the basis of family responsibilities, and considering that supplementary standards are necessary in this respect, and

Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption, and

Noting that instruments on equality of opportunity and treatment for men and women have also been adopted by the United Nations and other specialised agencies, and recalling, in particular, the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are “aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women”, and

Recognising that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies, and

Recognising the need to create effective equality of opportunity and treatment as between men and women workers with family responsibilities and between such workers and other workers, and

Considering that many of the problems facing all workers are aggravated in the case of workers with family responsibilities and recognising the need to improve the conditions of the latter both by measures responding to their special needs and by measures designed to improve the conditions of workers in general, and

Having decided upon the adoption of certain proposals with regard to equal opportunities and equal treatment for men and women workers: workers with family responsibilities, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Workers with Family Responsibilities Convention, 1981:

Article 1

1. This Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

2. The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

3. For the purposes of this Convention, the terms “dependent child” and “other member of the immediate family who clearly needs care or support” mean persons defined as such in each country by one of the means referred to in Article 9 of this Convention.

4. The workers covered by virtue of paragraphs 1 and 2 of this Article are hereinafter referred to as “workers with family responsibilities”.

Article 2

This Convention applies to all branches of economic activity and all categories of workers.

Article 3

1. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

2. For the purposes of paragraph 1 of this Article, the term “discrimination” means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

Article 4

With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken—

- (a) to enable workers with family responsibilities to exercise their right to free choice of employment; and
- (b) to take account of their needs in terms and conditions of employment and in social security.

Article 5

All measures compatible with national conditions and possibilities shall further be taken—

- (a) to take account of the needs of workers with family responsibilities in community planning; and
- (b) to develop or promote community services, public or private, such as child-care and family services and facilities.

Article 6

The competent authorities and bodies in each country shall take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

Article 7

All measures compatible with national conditions and possibilities, including measures in the field of vocational guidance and training, shall be taken to enable

workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

Article 8

Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Article 9

The provisions of this Convention may be applied by laws or regulations, collective agreements, works rules, arbitration awards, court decisions or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions.

Article 10

1. The provisions of this Convention may be applied by stages if necessary, account being taken of national conditions: Provided that such measures of implementation as are taken shall apply in any case to all the workers covered by Article 1, paragraph 1.

2. Each Member which ratifies this Convention shall indicate in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation in what respect, if any, it intends to make use of the faculty given by paragraph 1 of this Article, and shall state in subsequent reports the extent to which effect has been given or is proposed to be given to the Convention in that respect.

Article 11

Employers' and workers' organisations shall have the right to participate, in a manner appropriate to national conditions and practice, in devising and applying measures designed to give effect to the provisions of this Convention.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour

Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 17

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

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

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-

seventh Session which was held at Geneva and declared closed the twenty-fourth day of June 1981.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1981.

The President of the Conference,
ALIOUNE DIAGNE

The Director-General of the International Labour Office,
FRANCIS BLANCHARD

Recommendation 163

Recommendation concerning the Promotion of Collective Bargaining¹

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981,
and

Having decided upon the adoption of certain proposals with regard to the promotion of collective bargaining, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Collective Bargaining Convention, 1981,
adopts this nineteenth day of June of the year one thousand nine hundred and eighty-one the following Recommendation, which may be cited as the Collective Bargaining Recommendation, 1981:

I. METHODS OF APPLICATION

1. The provisions of this Recommendation may be applied by national laws or regulations, collective agreements, arbitration awards or in any other manner consistent with national practice.

II. MEANS OF PROMOTING COLLECTIVE BARGAINING

2. In so far as necessary, measures adapted to national conditions should be taken to facilitate the establishment and growth, on a voluntary basis, of free, independent and representative employers' and workers' organisations.

3. As appropriate and necessary, measures adapted to national conditions should be taken so that—

- (a) representative employers' and workers' organisations are recognised for the purposes of collective bargaining;
- (b) in countries in which the competent authorities apply procedures for recognition with a view to determining the organisations to be granted the right to bargain collectively, such determination is based on pre-established

¹ Adopted by the Conference on 19 June 1981 by 417 votes in favour, 0 against, with 7 abstentions.

and objective criteria with regard to the organisations' representative character, established in consultation with representative employers' and workers' organisations.

4. (1) Measures adapted to national conditions should be taken, if necessary, so that collective bargaining is possible at any level whatsoever, including that of the establishment, the undertaking, the branch of activity, the industry, or the regional or national levels.

(2) In countries where collective bargaining takes place at several levels, the parties to negotiations should seek to ensure that there is co-ordination among these levels.

5. (1) Measures should be taken by the parties to collective bargaining so that their negotiators, at all levels, have the opportunity to obtain appropriate training.

(2) Public authorities may provide assistance to workers' and employers' organisations, at their request, for such training.

(3) The content and supervision of the programmes of such training should be determined by the appropriate workers' or employers' organisation concerned.

(4) Such training should be without prejudice to the right of workers' and employers' organisations to choose their own representatives for the purpose of collective bargaining.

6. Parties to collective bargaining should provide their respective negotiators with the necessary mandate to conduct and conclude negotiations, subject to any provisions for consultations within their respective organisations.

7. (1) Measures adapted to national conditions should be taken, if necessary, so that the parties have access to the information required for meaningful negotiations.

(2) For this purpose—

(a) public and private employers should, at the request of workers' organisations, make available such information on the economic and social situation of the negotiating unit and the undertaking as a whole, as is necessary for meaningful negotiations; where the disclosure of some of this information could be prejudicial to the undertaking, its communication may be made conditional upon a commitment that it would be regarded as confidential to the extent required; the information to be made available may be agreed upon between the parties to collective bargaining;

(b) the public authorities should make available such information as is necessary on the over-all economic and social situation of the country and the branch of activity concerned, to the extent to which the disclosure of this information is not prejudicial to the national interest.

8. Measures adapted to national conditions should be taken, if necessary, so that the procedures for the settlement of labour disputes assist the parties to find a solution to the dispute themselves, whether the dispute is one which arose during the negotiation of agreements, one which arose in connection with the interpretation and application of agreements or one covered by the Examination of Grievances Recommendation, 1967.

III. FINAL PROVISION

9. This Recommendation does not revise any existing Recommendation.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-seventh Session which was held at Geneva and declared closed the twenty-fourth day of June 1981.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1981.

The President of the Conference,
ALIOUNE DIAGNE

The Director-General of the International Labour Office,
FRANCIS BLANCHARD

Recommendation 164

Recommendation concerning Occupational Safety and Health and the Working Environment¹

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981,
and

Having decided upon the adoption of certain proposals with regard to safety and health and the working environment, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Occupational Safety and Health Convention, 1981,
adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one the following Recommendation, which may be cited as the Occupational Safety and Health Recommendation, 1981:

I. SCOPE AND DEFINITIONS

1. (1) To the greatest extent possible, the provisions of the Occupational Safety and Health Convention, 1981 (hereinafter referred to as "the Convention"), and of this Recommendation should be applied to all branches of economic activity and to all categories of workers.

(2) Provision should be made for such measures as may be necessary and practicable to give self-employed persons protection analogous to that provided for in the Convention and in this Recommendation.

2. For the purpose of this Recommendation—

(a) the term "branches of economic activity" covers all branches in which workers are employed, including the public service;

¹ Adopted by the Conference on 22 June 1981 by 397 votes in favour, 0 against, with 5 abstentions.

- (b) the term “workers” covers all employed persons, including public employees ;
- (c) the term “workplace” covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer ;
- (d) the term “regulations” covers all provisions given force of law by the competent authority or authorities ;
- (e) the term “health”, in relation to work, indicates not merely the absence of disease or infirmity ; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

II. TECHNICAL FIELDS OF ACTION

3. As appropriate for different branches of economic activity and different types of work and taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken in pursuance of the policy referred to in Article 4 of the Convention, in particular in the following fields:

- (a) design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and egress therefrom ;
- (b) lighting, ventilation, order and cleanliness of workplaces ;
- (c) temperature, humidity and movement of air in the workplace ;
- (d) design, construction, use, maintenance, testing and inspection of machinery and equipment liable to present hazards and, as appropriate, their approval and transfer ;
- (e) prevention of harmful physical or mental stress due to conditions of work ;
- (f) handling, stacking and storage of loads and materials, manually or mechanically ;
- (g) use of electricity ;
- (h) manufacture, packing, labelling, transport, storage and use of dangerous substances and agents, disposal of their wastes and residues, and, as appropriate, their replacement by other substances or agents which are not dangerous or which are less dangerous ;
- (i) radiation protection ;
- (j) prevention and control of, and protection against, occupational hazards due to noise and vibration ;
- (k) control of the atmosphere and other ambient factors of workplaces ;
- (l) prevention and control of hazards due to high and low barometric pressures ;
- (m) prevention of fires and explosions and measures to be taken in case of fire or explosion ;
- (n) design, manufacture, supply, use, maintenance and testing of personal protective equipment and protective clothing ;
- (o) sanitary installations, washing facilities, facilities for changing and storing clothes, supply of drinking water, and any other welfare facilities connected with occupational safety and health ;
- (p) first-aid treatment ;
- (q) establishment of emergency plans ;
- (r) supervision of the health of workers.

III. ACTION AT THE NATIONAL LEVEL

4. With a view to giving effect to the policy referred to in Article 4 of the Convention, and taking account of the technical fields of action listed in Paragraph 3 of this Recommendation, the competent authority or authorities in each country should—

- (a) issue or approve regulations, codes of practice or other suitable provisions on occupational safety and health and the working environment, account being taken of the links existing between safety and health, on the one hand, and hours of work and rest breaks, on the other ;
- (b) from time to time review legislative enactments concerning occupational safety and health and the working environment, and provisions issued or approved in pursuance of clause (a) of this Paragraph, in the light of experience and advances in science and technology ;
- (c) undertake or promote studies and research to identify hazards and find means of overcoming them ;
- (d) provide information and advice, in an appropriate manner, to employers and workers and promote or facilitate co-operation between them and their organisations, with a view to eliminating hazards or reducing them as far as practicable ; where appropriate, a special training programme for migrant workers in their mother tongue should be provided ;
- (e) provide specific measures to prevent catastrophes, and to co-ordinate and make coherent the actions to be taken at different levels, particularly in industrial zones where enterprises with high potential risks for workers and the surrounding population are situated ;
- (f) secure good liaison with the International Occupational Safety and Health Hazard Alert System set up within the framework of the International Labour Organisation ;
- (g) provide appropriate measures for handicapped workers.

5. The system of inspection provided for in paragraph 1 of Article 9 of the Convention should be guided by the provisions of the Labour Inspection Convention, 1947, and the Labour Inspection (Agriculture) Convention, 1969, without prejudice to the obligations thereunder of Members which have ratified these instruments.

6. As appropriate, the competent authority or authorities should, in consultation with the representative organisations of employers and workers concerned, promote measures in the field of conditions of work consistent with the policy referred to in Article 4 of the Convention.

7. The main purposes of the arrangements referred to in Article 15 of the Convention should be to—

- (a) implement the requirements of Articles 4 and 7 of the Convention ;
- (b) co-ordinate the exercise of the functions assigned to the competent authority or authorities in pursuance of Article 11 of the Convention and Paragraph 4 of this Recommendation ;
- (c) co-ordinate activities in the field of occupational safety and health and the working environment which are exercised nationally, regionally or locally, by public authorities, by employers and their organisations, by workers' organisations and representatives, and by other persons or bodies concerned ;
- (d) promote exchanges of views, information and experience at the national level, at the level of an industry or that of a branch of economic activity.

8. There should be close co-operation between public authorities and representative employers' and workers' organisations, as well as other bodies concerned in measures for the formulation and application of the policy referred to in Article 4 of the Convention.

9. The review referred to in Article 7 of the Convention should cover in particular the situation of the most vulnerable workers, for example, the handicapped.

IV. ACTION AT THE LEVEL OF THE UNDERTAKING

10. The obligations placed upon employers with a view to achieving the objective set forth in Article 16 of the Convention might include, as appropriate for different branches of economic activity and different types of work, the following:

- (a) to provide and maintain workplaces, machinery and equipment, and use work methods, which are as safe and without risk to health as is reasonably practicable;
- (b) to give necessary instructions and training, taking account of the functions and capacities of different categories of workers;
- (c) to provide adequate supervision of work, of work practices and of application and use of occupational safety and health measures;
- (d) to institute organisational arrangements regarding occupational safety and health and the working environment adapted to the size of the undertaking and the nature of its activities;
- (e) to provide, without any cost to the worker, adequate personal protective clothing and equipment which are reasonably necessary when hazards cannot be otherwise prevented or controlled;
- (f) to ensure that work organisation, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health;
- (g) to take all reasonably practicable measures with a view to eliminating excessive physical and mental fatigue;
- (h) to undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with the foregoing clauses.

11. Whenever two or more undertakings engage in activities simultaneously at one workplace, they should collaborate in applying the provisions regarding occupational safety and health and the working environment, without prejudice to the responsibility of each undertaking for the health and safety of its employees. In appropriate cases, the competent authority or authorities should prescribe general procedures for this collaboration.

12. (1) The measures taken to facilitate the co-operation referred to in Article 20 of the Convention should include, where appropriate and necessary, the appointment, in accordance with national practice, of workers' safety delegates, of workers' safety and health committees, and/or of joint safety and health committees; in joint safety and health committees workers should have at least equal representation with employers' representatives.

(2) Workers' safety delegates, workers' safety and health committees, and joint safety and health committees or, as appropriate, other workers' representatives should—

- (a) be given adequate information on safety and health matters, enabled to examine factors affecting safety and health, and encouraged to propose measures on the subject;

- (b) be consulted when major new safety and health measures are envisaged and before they are carried out, and seek to obtain the support of the workers for such measures;
- (c) be consulted in planning alterations of work processes, work content or organisation of work, which may have safety or health implications for the workers;
- (d) be given protection from dismissal and other measures prejudicial to them while exercising their functions in the field of occupational safety and health as workers' representatives or as members of safety and health committees;
- (e) be able to contribute to the decision-making process at the level of the undertaking regarding matters of safety and health;
- (f) have access to all parts of the workplace and be able to communicate with the workers on safety and health matters during working hours at the workplace;
- (g) be free to contact labour inspectors;
- (h) be able to contribute to negotiations in the undertaking on occupational safety and health matters;
- (i) have reasonable time during paid working hours to exercise their safety and health functions and to receive training related to these functions;
- (j) have recourse to specialists to advise on particular safety and health problems.

13. As necessary in regard to the activities of the undertaking and practicable in regard to its size, provision should be made for—

- (a) the availability of an occupational health service and a safety service, within the undertaking, jointly with other undertakings, or under arrangements with an outside body;
- (b) recourse to specialists to advise on particular occupational safety or health problems or supervise the application of measures to meet them.

14. Employers should, where the nature of the operations in their undertakings warrants it, be required to set out in writing their policy and arrangements in the field of occupational safety and health, and the various responsibilities exercised under these arrangements, and to bring this information to the notice of every worker, in a language or medium the worker readily understands.

15. (1) Employers should be required to verify the implementation of applicable standards on occupational safety and health regularly, for instance by environmental monitoring, and to undertake systematic safety audits from time to time.

(2) Employers should be required to keep such records relevant to occupational safety and health and the working environment as are considered necessary by the competent authority or authorities; these might include records of all notifiable occupational accidents and injuries to health which arise in the course of or in connection with work, records of authorisations and exemptions under laws or regulations in the field and any conditions to which they may be subject, certificates relating to supervision of the health of workers in the undertaking, and data concerning exposure to specified substances and agents.

16. The arrangements provided for in Article 19 of the Convention should aim at ensuring that workers—

- (a) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;

- (b) comply with instructions given for their own safety and health and those of others and with safety and health procedures;
- (c) use safety devices and protective equipment correctly and do not render them inoperative;
- (d) report forthwith to their immediate supervisor any situation which they have reason to believe could present a hazard and which they cannot themselves correct;
- (e) report any accident or injury to health which arises in the course of or in connection with work.

17. No measures prejudicial to a worker should be taken by reference to the fact that, in good faith, he complained of what he considered to be a breach of statutory requirements or a serious inadequacy in the measures taken by the employer in respect of occupational safety and health and the working environment.

V. RELATIONS TO EXISTING INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS

18. This Recommendation does not revise any international labour Recommendation.

19. (1) In the development and application of the policy referred to in Article 4 of the Convention and without prejudice to their obligations under Conventions they have ratified, Members should refer to the international labour Conventions and Recommendations listed in the Appendix.

(2) The Appendix may be modified by the International Labour Conference, by a two-thirds majority, in connection with the future adoption or revision of any Convention or Recommendation in the field of safety and health and the working environment.

APPENDIX

LIST OF INSTRUMENTS CONCERNING OCCUPATIONAL SAFETY AND HEALTH AND THE WORKING ENVIRONMENT ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE SINCE 1919

Year	Convention	Recommendation
1921	13. White Lead (Painting)	
1929	27. Marking of Weight (Packages Transported by Vessels)	
1937	62. Safety Provisions (Building)	53. Safety Provisions (Building)
1946	73. Medical Examinations (Seafarers)	79. Medical Examination of Young Persons
	77. Medical Examination of Young Persons (Industry)	
	78. Medical Examination of Young Persons (Non-industrial Occupations)	

Year	Convention	Recommendation
1947	81. Labour Inspection	81. Labour Inspection 82. Labour Inspection (Mining and Transport)
1949	92. Accommodation of Crews (Revised)	
1953		97. Protection of Workers' Health
1958		105. Ships' Medicine Chests 106. Medical Advice at Sea
1959	113. Medical Examination (Fishermen)	112. Occupational Health Services
1960	115. Radiation Protection	114. Radiation Protection
1963	119. Guarding of Machinery	118. Guarding of Machinery
1964	120. Hygiene (Commerce and Offices) 121. Employment Injury Benefits	120. Hygiene (Commerce and Offices) 121. Employment Injury Benefits
1965	124. Medical Examination of Young Persons (Underground Work)	
1967	127. Maximum Weight	128. Maximum Weight
1969	129. Labour Inspection (Agriculture)	133. Labour Inspection (Agriculture)
1970	133. Accommodation of Crews (Supplementary Provisions)	140. Crew Accommodation (Air Conditioning) 141. Crew Accommodation (Noise Control)
	134. Prevention of Accidents (Seafarers)	142. Prevention of Accidents (Seafarers)
1971	136. Benzene	144. Benzene
1974	139. Occupational Cancer	147. Occupational Cancer
1977	148. Working Environment (Air Pollution, Noise and Vibration)	156. Working Environment (Air Pollution, Noise and Vibration)
1979	152. Occupational Safety and Health (Dock Work)	160. Occupational Safety and Health (Dock Work)

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-seventh Session which was held at Geneva and declared closed the twenty-fourth day of June 1981.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1981.

The President of the Conference,
ALIOUNE DIAGNE

The Director-General of the International Labour Office,
FRANCIS BLANCHARD

Recommendation 165

Recommendation concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities¹

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-seventh Session on 3 June 1981,
and

Noting the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation which recognises that “all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, and

Noting the terms of the Declaration on Equality of Opportunity and Treatment for Women Workers and of the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, adopted by the International Labour Conference in 1975, and

Noting the provisions of international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, namely the Equal Remuneration Convention and Recommendation, 1951, the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and Part VIII of the Human Resources Development Recommendation, 1975, and

Recalling that the Discrimination (Employment and Occupation) Convention, 1958, does not expressly cover distinctions made on the basis of family responsibilities, and considering that supplementary standards are necessary in this respect, and

Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption, and

Noting that instruments on equality of opportunity and treatment for men and women have also been adopted by the United Nations and other specialised agencies, and recalling, in particular, the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are “aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women”, and

Recognising that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies, and

Recognising the need to create effective equality of opportunity and treatment as between men and women workers with family responsibilities and between such workers and other workers, and

Considering that many of the problems facing all workers are aggravated in the case of workers with family responsibilities, and recognising the need to improve the conditions of the latter both by measures responding to their

¹ Adopted by the Conference on 24 June 1981 by 346 votes in favour, 0 against, with 78 abstentions.

special needs and by measures designed to improve the conditions of workers in general, and

Having decided upon the adoption of certain proposals with regard to equal opportunities and equal treatment for men and women workers: workers with family responsibilities, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one the following Recommendation, which may be cited as the Workers with Family Responsibilities Recommendation, 1981:

I. DEFINITION, SCOPE AND MEANS OF IMPLEMENTATION

1. (1) This Recommendation applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

(2) The provisions of this Recommendation should also be applied to men and women workers with responsibilities in relation to other members of their immediate family who need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

(3) For the purposes of this Recommendation, the terms "dependent child" and "other member of the immediate family who needs care or support" mean persons defined as such in each country by one of the means referred to in Paragraph 3 of this Recommendation.

(4) The workers covered by virtue of subparagraphs (1) and (2) of this Paragraph are hereinafter referred to as "workers with family responsibilities".

2. This Recommendation applies to all branches of economic activity and all categories of workers.

3. The provisions of this Recommendation may be applied by laws or regulations, collective agreements, works rules, arbitration awards, court decisions or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions.

4. The provisions of this Recommendation may be applied by stages if necessary, account being taken of national conditions: Provided that such measures of implementation as are taken should apply in any case to all the workers covered by Paragraph 1, subparagraph (1).

5. Employers' and workers' organisations should have the right to participate, in a manner appropriate to national conditions and practice, in devising and applying measures designed to give effect to the provisions of this Recommendation.

II. NATIONAL POLICY

6. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member should make it an aim of national policy to

enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

7. Within the framework of a national policy to promote equality of opportunity and treatment for men and women workers, measures should be adopted and applied with a view to preventing direct or indirect discrimination on the basis of marital status or family responsibilities.

8. (1) For the purposes of Paragraphs 6 and 7 above, the term “discrimination” means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

(2) During a transitional period special measures aimed at achieving effective equality between men and women workers should not be regarded as discriminatory.

9. With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities should be taken—

- (a) to enable workers with family responsibilities to exercise their right to vocational training and to free choice of employment;
- (b) to take account of their needs in terms and conditions of employment and in social security; and
- (c) to develop or promote child-care, family and other community services, public or private, responding to their needs.

10. The competent authorities and bodies in each country should take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

11. The competent authorities and bodies in each country should take appropriate measures—

- (a) to undertake or promote such research as may be necessary into the various aspects of the employment of workers with family responsibilities with a view to providing objective information on which sound policies and measures may be based; and
- (b) to promote such education as will encourage the sharing of family responsibilities between men and women and enable workers with family responsibilities better to meet their employment and family responsibilities.

III. TRAINING AND EMPLOYMENT

12. All measures compatible with national conditions and possibilities should be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

13. In accordance with national policy and practice, vocational training facilities and, where possible, paid educational leave arrangements to use such facilities should be made available to workers with family responsibilities.

14. Such services as may be necessary to enable workers with family responsibilities to enter or re-enter employment should be available, within the framework of existing services for all workers or, in default thereof, along lines appropriate to national conditions; they should include, free of charge to the workers, vocational guidance, counselling, information and placement services which are staffed by suitably trained personnel and are able to respond adequately to the special needs of workers with family responsibilities.

15. Workers with family responsibilities should enjoy equality of opportunity and treatment with other workers in relation to preparation for employment, access to employment, advancement within employment and employment security.

16. Marital status, family situation or family responsibilities should not, as such, constitute valid reasons for refusal or termination of employment.

IV. TERMS AND CONDITIONS OF EMPLOYMENT

17. All measures compatible with national conditions and possibilities and with the legitimate interests of other workers should be taken to ensure that terms and conditions of employment are such as to enable workers with family responsibilities to reconcile their employment and family responsibilities.

18. Particular attention should be given to general measures for improving working conditions and the quality of working life, including measures aiming at—

- (a) the progressive reduction of daily hours of work and the reduction of overtime, and
- (b) more flexible arrangements as regards working schedules, rest periods and holidays,

account being taken of the stage of development and the particular needs of the country and of different sectors of activity.

19. Whenever practicable and appropriate, the special needs of workers, including those arising from family responsibilities, should be taken into account in shift-work arrangements and assignments to night work.

20. Family responsibilities and considerations such as the place of employment of the spouse and the possibilities of educating children should be taken into account when transferring workers from one locality to another.

21. (1) With a view to protecting part-time workers, temporary workers and homeworkers, many of whom have family responsibilities, the terms and conditions on which these types of employment are performed should be adequately regulated and supervised.

(2) The terms and conditions of employment, including social security coverage, of part-time workers and temporary workers should be, to the extent possible, equivalent to those of full-time and permanent workers respectively; in appropriate cases, their entitlement may be calculated on a pro rata basis.

(3) Part-time workers should be given the option to obtain or return to full-time employment when a vacancy exists and when the circumstances which determined assignment to part-time employment no longer exist.

22. (1) Either parent should have the possibility, within a period immediately following maternity leave, of obtaining leave of absence (parental leave), without

relinquishing employment and with rights resulting from employment being safeguarded.

(2) The length of the period following maternity leave and the duration and conditions of the leave of absence referred to in subparagraph (1) of this Paragraph should be determined in each country by one of the means referred to in Paragraph 3 of this Recommendation.

(3) The leave of absence referred to in subparagraph (1) of this Paragraph may be introduced gradually.

23. (1) It should be possible for a worker, man or woman, with family responsibilities in relation to a dependent child to obtain leave of absence in the case of its illness.

(2) It should be possible for a worker with family responsibilities to obtain leave of absence in the case of the illness of another member of the worker's immediate family who needs that worker's care or support.

(3) The duration and conditions of the leave of absence referred to in subparagraphs (1) and (2) of this Paragraph should be determined in each country by one of the means referred to in Paragraph 3 of this Recommendation.

V. CHILD-CARE AND FAMILY SERVICES AND FACILITIES

24. With a view to determining the scope and character of the child-care and family services and facilities needed to assist workers with family responsibilities to meet their employment and family responsibilities, the competent authorities should, in co-operation with the public and private organisations concerned, in particular employers' and workers' organisations, and within the scope of their resources for collecting information, take such measures as may be necessary and appropriate—

- (a) to collect and publish adequate statistics on the number of workers with family responsibilities engaged in or seeking employment and on the number and age of their children and of other dependants requiring care; and
- (b) to ascertain, through systematic surveys conducted more particularly in local communities, the needs and preferences for child-care and family services and facilities.

25. The competent authorities should, in co-operation with the public and private organisations concerned, take appropriate steps to ensure that child-care and family services and facilities meet the needs and preferences so revealed; to this end they should, taking account of national and local circumstances and possibilities, in particular—

- (a) encourage and facilitate the establishment, particularly in local communities, of plans for the systematic development of child-care and family services and facilities, and
- (b) themselves organise or encourage and facilitate the provision of adequate and appropriate child-care and family services and facilities, free of charge or at a reasonable charge in accordance with the workers' ability to pay, developed along flexible lines and meeting the needs of children of different ages, of other dependants requiring care and of workers with family responsibilities.

26. (1) Child-care and family services and facilities of all types should comply with standards laid down and supervised by the competent authorities.

(2) Such standards should prescribe in particular the equipment and hygienic and technical requirements of the services and facilities provided and the number and qualifications of the staff.

(3) The competent authorities should provide or help to ensure the provision of adequate training at various levels for the personnel needed to staff child-care and family services and facilities.

VI. SOCIAL SECURITY

27. Social security benefits, tax relief, or other appropriate measures consistent with national policy should, when necessary, be available to workers with family responsibilities.

28. During the leave of absence referred to in Paragraphs 22 and 23, the workers concerned may, in conformity with national conditions and practice, and by one of the means referred to in Paragraph 3 of this Recommendation, be protected by social security.

29. A worker should not be excluded from social security coverage by reference to the occupational activity of his or her spouse and entitlement to benefits arising from that activity.

30. (1) The family responsibilities of a worker should be an element to be taken into account in determining whether employment offered is suitable in the sense that refusal of the offer may lead to loss or suspension of unemployment benefit.

(2) In particular, where the employment offered involves moving to another locality, the considerations to be taken into account should include the place of employment of the spouse and the possibilities of educating children.

31. In applying Paragraphs 27 to 30 of this Recommendation, a Member whose economy is insufficiently developed may take account of the national resources and social security arrangements available.

VII. HELP IN EXERCISE OF FAMILY RESPONSIBILITIES

32. The competent authorities and bodies in each country should promote such public and private action as is possible to lighten the burden deriving from the family responsibilities of workers.

33. All measures compatible with national conditions and possibilities should be taken to develop home-help and home-care services which are adequately regulated and supervised and which can provide workers with family responsibilities, as necessary, with qualified assistance at a reasonable charge in accordance with their ability to pay.

34. Since many measures designed to improve the conditions of workers in general can have a favourable impact on those of workers with family responsibilities, the competent authorities and bodies in each country should promote such public and private action as is possible to make the provision of services in the community, such as public transport, supply of water and energy in or near workers' housing and housing with labour-saving layout, responsive to the needs of workers.

VIII. EFFECT ON EXISTING RECOMMENDATIONS

35. This Recommendation supersedes the Employment (Women with Family Responsibilities) Recommendation, 1965.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-seventh Session which was held at Geneva and declared closed the twenty-fourth day of June 1981.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1981.

The President of the Conference,
ALIOUNE DIAGNE

The Director-General of the International Labour Office,
FRANCIS BLANCHARD

RESOLUTIONS

I

Resolution concerning the Training and Retraining of Managers in Both Private and Public Undertakings as well as the Encouragement of the Spirit of Entrepreneurship Especially in Developing Countries¹

The General Conference of the International Labour Organisation,

Noting that full utilisation of modern managerial and technical talent is essential for the development of efficient enterprises without which economic development will be retarded and that it can contribute to reducing unemployment and underemployment by facilitating the creation and development of small and medium-sized undertakings,

Noting that the shortage of competent and well-trained managers is a fundamental problem, particularly in developing countries, which hampers the efficient running of the enterprise, particularly in small and medium-sized enterprises, which can also help to provide employment progressively commensurate with the growth in the labour force,

Convinced that such a shortage of well-trained managers can best be overcome by stimulating the creativity inherent in each individual, which is an integral part of all societies guaranteeing freedoms and encouraging initiative within the enterprise,

Recalling the resolution concerning management development, the resolution concerning small-scale industry in developing countries and the resolution concerning the contribution of small and medium undertakings to economic and social

¹ Adopted on 23 June 1981.

progress and to the creation of employment, in particular in developing countries, adopted respectively by the 42nd (1958) 46th (1962) and 60th (1975) Sessions of the International Labour Conference,

Recalling the resolution concerning management development, with special reference to personnel policies and practices, adopted by the Sixth Asian Regional Conference of the ILO in Tokyo, 1968,

Convinced that the Management Development Programme of the ILO has a great potential for contributing, within the tripartite structure of the Organisation, to social progress by increasing productivity, improving labour-management relations and working conditions, selecting appropriate technologies and creating new productive employment opportunities through the application of modern management techniques and practices,

Commending the results achieved by the ILO's Management Development Programme in assisting developing countries in their efforts to train managers in all sectors;

Invites the Governing Body of the International Labour Office –

(a) to urge Governments of member States –

- (i) to encourage, where appropriate and necessary, the provision of training in management techniques for managers and entrepreneurs;
- (ii) to give special consideration and attention to the problems which managers of small and medium-sized enterprises might have in obtaining access to further training, particularly in developing countries;
- (iii) to encourage inclusion of labour questions in such training, in particular labour relations, collective bargaining, positive relations with free, independent and autonomous trade unions;
- (iv) to ensure that the training of managers is established as an integral part of a coherent national training policy with a view to promoting equal opportunities for all without discrimination in the field of training;

(b) to request the Director-General –

- (i) to provide assistance to member States in adopting policies favourable to the promotion of entrepreneurship and the development of managerial know-how, particularly among small entrepreneurs; this assistance should include in particular training aimed at achieving sound industrial relations practices, the principle of meaningful consultation as well as the development of a capacity to conduct appropriate training programmes for their workers. Such programmes should be aimed in particular at the promotion of basic ILO standards, such as freedom of association, the development of free and independent trade unions and the right to collective bargaining;
- (ii) to encourage technical co-operation projects in the field of entrepreneurial and small-enterprise development as an important part of the general ILO programme of assistance to employers' organisations with a view to enabling them to improve services they render in such fields as management, technical information and data processing;
- (iii) to improve consultancy and advisory services aimed at accelerating development of general management competence including labour relations and collective bargaining in member States by strengthening national and regional management institutes and their improved contribution to vigorous small-enterprise development activity.

II

Resolution concerning the Role of the ILO in the International Development Strategy for the Third United Nations Development Decade¹

The General Conference of the International Labour Organisation,

Welcome the adoption of the new International Development Strategy for the Third United Nations Development Decade by the 35th Session of the United Nations General Assembly,

Affirming that the implementation of the new United Nations International Development Strategy is dependent upon global negotiations, the success of which will greatly enhance world development, international co-operation and also peace and security in the world,

Convinced that the implementation of the new Strategy as adopted would constitute an important contribution towards the establishment of a new international economic order and the achievement of its social objectives,

Recalling that the United Nations International Development Strategy for the Second Development Decade introduced the notion of social objectives in the development process and welcoming in this connection the fact that, the text of the new Strategy contains a stronger commitment than the previous one on the part of member States with regard to social aspects of development such as poverty alleviation, employment, income distribution, working conditions, training, technology, child labour, women and youth, and popular participation,

Aware that the International Development Strategy for the Third United Nations Development Decade lays broad emphasis on the social and human objectives of development, and that economic and social justice can only be achieved in conditions of peace, freedom and democracy,

Expressing its grave concern at the diminishing employment opportunities and increasing unemployment, underemployment and poverty noted in various parts of the world,

Reaffirming that no strategy seeking to attain the social aims and objectives of development can be successfully undertaken if its sole aim is economic growth, and reaffirming the new approach to growth and the fundamental criteria for development embodied in the conclusions of the World Employment Conference putting special emphasis on full employment, the satisfaction of basic needs, accelerated growth, equitable distribution of income and wealth,

Recalling the Declaration of Principles and Programmes of Action adopted by the ILO World Conference on Employment, Income Distribution and Social Progress and the International Division of Labour, and their subsequent endorsement by the General Assembly,

Believing that the extent of the problems and their interdependence call for their short- and long-term solutions to be based on close collaboration between:

- (a) states which have the primary responsibility for formulating and putting into effect policies which promote economic stability, full employment and the satisfaction of basic needs;
- (b) the social partners which have to be adequately involved in the elaboration and implementation of development programmes;
- (c) the competent international organisations,

¹ Adopted on 23 June 1981.

Recognising that free and viable trade unions and rural employers' and workers' organisations are indispensable for a balanced and sustained and social development,

Emphasising the crucial importance of rural development and agrarian reforms for the vast majority of the populations in most developing countries, and recalling in this connection the Declaration of Principles and Programme of Action of the World Employment Conference which states that in most developing countries agrarian reform, land distribution and the provision of ancillary services are basic to rural development and that effective mass participation of the rural population is needed in this regard,

Recognising the over-all targets for growth and the need for a more equitable distribution of economic opportunities among nations identified in the new Strategy as being the minimum criteria for the achievement of an adequate level of development,

Recalling Resolution 35/81 of the United Nations General Assembly stating that operational activities can contribute significantly to the accelerated development process and should encompass every activity aimed at promoting economic and social development and welfare,

Considering that, in conformity with the Declaration of Philadelphia and, by reason of its institutional competence, its tripartite and universal nature and its long experience in this specific field, the ILO has a special responsibility to promote actions towards attaining the social aims of development called for in the Strategy and represents as well the most appropriate forum for reaching a reasonable and realistic consensus concerning the objectives to be attained and the concrete action to be taken,

Recalling likewise the Report of the Director-General of the ILO on technical co-operation and its new prospects and dimensions examined by the International Labour Conference in 1977, which emphasised among other things the tasks assigned to the ILO and the action which it should take within the framework of its operational activities,

Recalling the resolution adopted by the Conference in 1975, concerning the contribution of small and medium undertakings to economic and social progress and to the creation of employment, in particular in developing countries; recalling also the 1979 resolution concerning the technical co-operation programmes of the ILO, and the 1977 resolution concerning the strengthening of tripartism in ILO supervisory procedures of international labour standards and technical co-operation programmes,

Welcoming the provisions made by the Governing Body and the Director-General in the context of both the ILO Medium-Term Plan for 1982-87 and the 1982-83 Programme and Budget with a view to enabling the ILO to meet its role and responsibilities with regard to the implementation of the new Strategy;

1. Calls upon member States:

- (a) to take balanced and co-ordinated steps to ensure the application to the fullest extent possible of the new International Development Strategy for the Third United Nations Development Decade;
- (b) to take into account in this connection that the ratification and full application of ILO standards constitutes one of the fundamental elements with regard to the achievement of the aims and objectives set by the new Strategy;
- (c) to give special consideration in this context to ILO Conventions and Recommendations related to key provisions of the new Strategy which have

been identified as being of special concern to the ILO. These provisions include: social goals of development; income distribution and poverty; employment; vocational training; technology; working and living conditions; child labour; women and young people; broadly-based participation on a tripartite basis in development; as well as to the basic Conventions Nos. 87 (Freedom of Association and Protection of the Right to Organise) and 98 (the Right to Organise and Collective Bargaining);

- (d) to accord priority to the expansion of operational activities by mobilising to that end the necessary resources at national and international level;
- (e) to ensure close co-ordination of their efforts when mobilising new resources for development so as to make their technical co-operation and investment activities increasingly effective with a view to promoting balanced national growth, the development and use of human resources and improvement of living and working conditions;
- (f) to observe the ILO Tripartite Declaration of Principles concerning Multi-national Enterprises and Social Policy;
- (g) to evaluate on a systematic basis and in close collaboration with employers' and workers' organisations the implementation of the ILO Conventions concerning employment and follow-up of the Declaration of Principles and Programme of Action adopted by the World Employment Conference with special reference to the basic needs approach;
- (h) to secure the active involvement of the different groups of society and especially employers' and workers' organisations in national measures and programmes for the implementation of the new Strategy, especially in implementing operational activities.

2. Calls on the United Nations, when implementing the provisions for evaluation provided for in the new Strategy, to draw on the experience and the procedures developed by the ILO with regard to the assessment and supervision of the application of its standards.

3. Urges the United Nations, its specialised agencies and other multilateral funding agencies to promote the application of ILO standards in their development assistance activities.

4. Invites the Governing Body of the International Labour Office to take all appropriate steps to involve the ILO to the fullest extent possible, through its different means of action, in the implementation of the new International Development Strategy, and to this end to instruct the Director-General—

- (a) to encourage and assist member States in their efforts to ratify and apply ILO Conventions and to implement relevant Recommendations to the fullest extent possible, in particular the ILO standards related to key provisions of the new Strategy;
- (b) to continue to give high priority to the ILO's activities for the defence of human and trade union rights and the rights of employers' organisations;
- (c) to intensify the ILO's efforts for the achievement of the objectives formulated by the World Employment Conference which constitute major elements in the framework of the goals and objectives of the new Strategy;
- (d) to continue to ensure maximum attention and resources for the promotion of rural development policies aiming at improving the lot of the rural poor by giving them access to land, employment, training and basic services, and by raising their productivity so as to enable them to earn higher incomes while enhancing their contribution to national development;

- (e) to place particular emphasis in this connection on the further strengthening of programmes for the organisation, training and education of rural workers;
- (f) to further promote equality of opportunities and conditions of women so as to enable them to contribute fully to and benefit from the national development process;
- (g) to step up efforts for the strengthening of the ILO's technical assistance programmes including by seeking adequate allocations from extra-budgetary sources for this purpose;
- (h) to 'achieve a reinforcement of the operational activities of the ILO for improving working conditions and environment within the framework of the International Programme for the Improvement of Working Conditions and Environment (PIACT), and in the light of the evaluation of this programme to be undertaken in the 1982-83 biennium;
- (i) to stimulate the efforts undertaken within the framework of the Administrative Committee on Co-ordination and particularly its subsidiary bodies concerned with questions involving operational activities, with a view to reinforcing co-operation between institutions of the United Nations family so that they may support each other in the implementation of the International Development Strategy and especially its social aims, and to inform the Governing Body of the steps taken to that end;
- (j) to examine the extent to which the notion of technical co-operation among developing countries (TCDC) can be reinforced in the operational activities of the ILO, and to study methods and means of encouraging TCDC, including the use of the Turin Centre and the regional and inter-regional institutions and projects for employment, labour administration and advanced vocational training;
- (k) to secure participation on a basis appropriate to the ILO's tripartite structure and within the limits of the ILO's field of competence, in international discussions with other interested organisations on all matters related to the International Development Strategy;
- (l) to proceed diligently with the requested studies on the application of ILO standards in export processing zones and to propose the measures which should be taken in the light of the conclusions emerging from such studies;
- (m) to secure full tripartite participation in all the ILO's activities related to the new Strategy;
- (n) to give particular consideration, when revising the Medium-Term Plan and preparing programme and budget proposals during the period of the Plan, to the social objectives specified by the International Development Strategy and to ensure that the different means of action of the ILO are more complementary, with particular reference to standard-setting activities, research and operational activities;
- (o) to devote particular attention to improving the effectiveness of the operational activities of the ILO, among other things by decentralising the technical co-operation backstopping services, co-ordinating procedures, and rationalising information and evaluation procedures while seeking the collaboration of other organisations of the United Nations system;
- (p) to ensure that the ILO will assume its full role in the envisaged procedures for review and appraisal of the implementation of the new International Development Strategy for the Third United Nations Development Decade.

III

Resolution concerning the Economic and Social Consequences of Disarmament¹

The General Conference of the International Labour Organisation,
Convinced that real economic and social progress is possible only in conditions of lasting peace,

Recalling the Constitution of the International Labour Organisation and the Philadelphia Declaration, whose fundamental principles call for universal and lasting peace, based on social justice,

Recalling the Charter of the United Nations, the principles of which should inspire the economic and social policy of States so as to ensure universal and lasting peace and the right of peoples to free determination of their system of development,

Recalling that the United Nations General Assembly adopted in December 1980 Resolution 35/46 proclaiming the 1980s as the Second Disarmament Decade,

Considering that in a world of limited resources there is a close relationship between expenditure on armaments and economic and social development, and that such expenditure compromises efforts to establish a new international economic order on a more equitable basis,

Considering that resources released as a result of the implementation of disarmament measures should be used in a manner which will help to promote the well-being of all peoples and to improve the economic situation of the developing countries,

Recalling also the resolution concerning the follow-up to be given to the World Employment Conference, as it was adopted by the 65th Session of the International Labour Conference, and deploring the considerable waste of resources resulting from the armaments race, particularly the nuclear arms race,

Noting the attention given to the question of the economic and social consequences of disarmament by the Governing Body of the ILO at several of its recent sessions,

Welcoming the co-operation which the ILO has already extended to the United Nations Centre for Disarmament,

Believing that complete and pertinent information should be provided in order that the economic and social consequences of disarmament can be evaluated and appreciated and in order that expenditure on armaments can be directed towards more productive goals, and looking forward to the study on the relations between disarmament and development which the Secretary-General of the United Nations is due to submit to the 36th Session of the United Nations General Assembly,

Noting in particular that the United Nations Centre for Disarmament has already studied aspects of the subject of concern to the ILO, as reported to the Governing Body of the ILO in February 1981 and that the ILO already proposes to publish a number of articles on the same subject,

Convinced that the ILO, which has been awarded the Nobel Peace Prize, as an international Organisation belonging to the United Nations family, should continue to contribute, within its own specific field of competence, to the process of détente and disarmament in the interests of peace and social progress;

¹ Adopted on 23 June 1981.

Invites the Governing Body of the International Labour Office:

- (a) to instruct the Director-General to maintain close co-operation with the United Nations Centre for Disarmament and the United Nations bodies entrusted with work in this field, in order that the ILO should continue to make an appropriate contribution, within its field of competence, to the work of the United Nations system as a whole on this subject;
- (b) to urge member States to lend their support to the studies and research which the ILO will undertake to this end and to provide the ILO with information at its request;
- (c) to determine, in the light of such research, what other steps would be appropriate for action by the ILO in the area of the economic and social consequences of disarmament.

IV

Resolution concerning Training¹

The General Conference of the International Labour Organisation,

Recalling the responsibility which is incumbent specifically upon the ILO in respect of training as stated in the Preamble to its Constitution and in the Declaration of Philadelphia concerning the aims and purposes of the ILO,

Recalling the Convention (No. 142) and Recommendation (No. 150) of 1975 concerning Vocational Guidance and Vocational Training in the Development of Human Resources, as well as the Paid Educational Leave Convention (No. 140) and Recommendation (No. 148) of 1974,

Considering that a number of ILO industrial meetings have adopted conclusions on training problems and requirements in different economic sectors,

Recognising that training is an indispensable factor in achieving the development objectives of member States and that training improves and protects human resources and contributes to the self-fulfilment of each individual, and to the fulfilment of development needs,

Emphasising the importance of adequate systems and facilities in the field of education, vocational guidance and training for the employment opportunities of young people in particular,

Considering the structural and technological changes to be expected in the 1980s and their consequences for training systems, and the need for realistic assessments of the most probable effects of technological change on future labour and skill requirements, and that adequate measures should be provided for the vocational guidance and retraining of workers,

Welcoming the increasing volume of the ILO's activities in the field of training, which represent a major part of the ILO's expenditure on technical co-operation,

Emphasising that the ILO should continue to assume over-all responsibility for training within the United Nations system and stressing the leading and co-ordinating role of the ILO in this field;

1. Recommends that the training policies of member States and of the ILO should focus on the following three major fields of activity:

- (a) promoting equal opportunity in training for all groups of the population;

¹ Adopted on 23 June 1981.

- (b) providing adequate training opportunities in all sectors of the economy and for all levels of skills to meet the changing needs of society, taking full account of the effects of technological change and other structural adjustments on future labour and skill requirements;
- (c) improving the effectiveness and efficiency of vocational guidance and training systems and programmes in order to optimise their contribution to the development aims of member States.

2. Calls upon member States to multiply their efforts to prepare, adopt and apply comprehensive and co-ordinated training policies and programmes, and in this context—

- (a) to implement the provisions of the Convention (No. 142), and Recommendation (No. 150), 1975, concerning Vocational Guidance and Vocational Training in the Development of Human Resources, as well as of the Paid Educational Leave Convention (No. 140) and Recommendation (No. 148), 1974, and, where they have not already done so, to ratify these Conventions as early as possible;
- (b) to develop adequate mechanisms to assess, on the one hand, the future labour and skill requirements in the light of technological and structural changes and, on the other hand, the various vocational guidance systems and vocational training methods, taking account of development needs;
- (c) to ensure that the public agency or agencies responsible for the planning, development and evaluation of training policies have adequate resources for the effective discharge of their responsibilities;
- (d) to promote the active participation of employers' and workers' organisations at the appropriate level in the identification of vocational guidance and training needs, the formulation of training policies and the development, management and evaluation of training programmes.

3. Invites employers' and workers' organisations to co-operate, at the appropriate level, to facilitate the solution of training problems, and to make use, where appropriate, of consultation or negotiation including collective bargaining.

4. Requests the Governing Body of the International Labour Office to continue to allocate adequate resources for the promotion of training activities in member States and to instruct the Director-General—

- (a) to undertake research on the future training needs and labour and skill requirements in different sectors of the economy, to evaluate the different vocational guidance systems and training methods in the light of development needs, to improve the collection and dissemination of information on training, and to organise exchanges of experience between the constituents of the ILO;
- (b) to encourage and to assist, to the fullest extent possible, in the establishment and development of appropriate regional training institutions especially in developing countries;
- (c) to make full use of the International Centre for Advanced Technical and Vocational Training in Turin, APSDEP, CIADFOR and CINTERFOR in carrying out the training activities of the ILO, while ensuring effective co-ordination of their work.

5. Reaffirms the leading role of the ILO within the United Nations system in the field of training and invites the Director-General to take the necessary steps to enable the Organisation to play the central co-ordinating role within the United Nations system in matters relating to training.

V

Resolution to Place on the Agenda of the Next Ordinary Session of the Conference an Item Entitled: “Maintenance of Migrant Workers’ Rights in Social Security (Revision of Convention No. 48)” and to Provide for Further Action on this Item by the International Labour Organisation¹

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the seventh item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention concerning Maintenance of Rights in Social Security,

Having agreed that there should be a Recommendation having as an annex model provisions designed to facilitate the application of the Equality of Treatment (Social Security) Convention, 1962, and, as appropriate, the Convention to be adopted in 1982, by means of the conclusion of bilateral or multilateral social security instruments,

Considering it desirable to entrust the preliminary study of these model provisions to a tripartite meeting of experts which would be convened as early as possible after the adoption, in 1982, of the proposed Convention;

1. Decides that an item entitled “Maintenance of Migrant Workers’ Rights in Social Security (Revision of Convention No. 48)” shall be included in the Agenda of its next Ordinary Session for a second discussion, with a view to the adoption of a Convention.

2. Decides further to ask the Governing Body of the International Labour Office to convene, as soon as possible after the 68th Session of the Conference, a tripartite meeting of experts and to include in the agenda of an early Session of the Conference thereafter, an item entitled “Maintenance of Rights in Social Security”, for a single discussion with a view to the adoption of a Recommendation having as an annex appropriate model provisions to facilitate the conclusion of bilateral or multilateral social security instruments between the Members concerned, in conformity with the relevant provisions of the Equality of Treatment (Social Security) Convention, 1962, and the Convention to be adopted in 1982.

VI

Resolution to Place on the Agenda of the Next Ordinary Session of the Conference an Item Entitled “Termination of Employment at the Initiative of the Employer”¹

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the eighth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention and a Recommendation concerning termination of employment at the initiative of the employer;

Decides that an item entitled “Termination of Employment at the Initiative of the Employer” shall be included in the agenda of its next Ordinary Session for a second discussion with a view to the adoption of a Convention and a Recommendation.

¹ Adopted on 22 June 1981.

VII

Resolutions concerning the Composition of the Administrative Tribunal of the International Labour Organisation¹

- (1) The General Conference of the International Labour Organisation,
In accordance with article III of the Statute of the Administrative Tribunal;
Extends the term of office of Mr. André Grisel (Switzerland) as judge of the Administrative Tribunal of the International Labour Organisation for a further period of three years.
- (2) The General Conference of the International Labour Organisation,
In accordance with article III of the Statute of the Administrative Tribunal;
Appoints Mr. Jacques Ducoux (France) as a judge and Mr. Héctor Gros Espiell (Uruguay) as a deputy judge of the Administrative Tribunal of the International Labour Organisation for a period of three years.

VIII

Resolution concerning the payment of additional annuities into the ILO Staff Pensions Fund¹

The General Conference of the International Labour Organisation;
Decides that the deficit of the ILO Staff Pensions Fund as at 30 June 1980 shall be amortised by payment by the International Labour Organisation to the Fund of an additional annuity of \$186,000 a year for eight years beginning on 1 January 1982;
Decides further that the amount required to amortise the cost, until 30 June 1981, of continuing adjustment of pensions under article 34 of the Regulations of the ILO Staff Pensions Fund, beyond the level attained at 30 June 1980, shall be amortised by payment by the International Labour Organisation to the Fund of an additional annuity of \$180,000 a year for eight years beginning 1 January 1982.

IX

Resolution concerning arrears of contributions assessed on the former Republic of South Viet Nam¹

The General Conference of the International Labour Organisation,
Considering that the Socialist Republic of Viet Nam, which became a Member of the Organisation on 17 January 1980, has not chosen to succeed to the assets and liabilities standing in the name of the former Republic of South Viet Nam in the books of the ILO;
Decides that the arrears of contributions amounting to US\$59,959 assessed on the former Republic of South Viet Nam in respect of the period 1 January 1975 to 1 July 1976 inclusive shall be written off;
Decides further that the share of the former Republic of South Viet Nam in the Working Capital Fund of the Organisation, amounting to US\$10,441, shall be transferred to Part II of the Fund.

¹ Adopted on 15 June 1981.

X

Resolution concerning the Adoption of the Programme and Budget for the 58th Financial Period (1982-83) and the Allocation of Expenses among Member States¹

The General Conference of the International Labour Organisation,

In virtue of the Financial Regulations, and noting that under paragraph 2 of article 21 thereof an additional assessment of US\$7,884,428 is required in 1982 for reimbursement to the Working Capital Fund of the amount withdrawn therefrom at the end of 1980,

Passes for the 58th financial period, ending 31 December 1983, the budget of expenditure of the International Labour Organisation amounting to US\$230,033,000 and the budget of income amounting to US\$230,033,000 and resolves that the budget of income from member States shall be allocated among them in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives.

XI

Resolution concerning the Participation of Women in ILO Meetings²

The General Conference of the International Labour Organisation,

Noting the terms of article 3, paragraph 2, of the ILO Constitution, which provides, inter alia, that "when questions specifically affecting women are to be considered by the Conference, one at least of the advisers should be a woman", and

Recalling the adoption by the International Labour Conference at its 60th (1975) Session of a resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers and particularly the terms of paragraph 2 of section 10 thereof to the effect that "measures should be taken to ensure that women are considered for and appointed to delegations on the same basis and by the same standards as men, whether to the International Labour Conference, to regional conferences of the ILO or to other national and international meetings convened under the auspices of the ILO and other intergovernmental organisations", and

Taking account of the already extensive and constantly increasing participation of women in all branches of economic activity and the consequent equal relevance to women and men alike of the questions considered at the International Labour Conference, and

Regretting that over-all participation figures of women on national delegations have continued to remain low;

Urges that measures be taken to secure the widest possible participation of women at the International Labour Conference on the same footing as men and that, in accordance with this principle, efforts be made in all member States to include women in national delegations among both Government and non-government delegates and advisers.

¹ Adopted on 16 June 1981 by 404 votes in favour, 34 against, with 8 abstentions.

² Adopted on 11 June 1981.

ADDITIONAL TEXTS AND DECISIONS

Appointment of Members of the Appeals Board Panel

On 4 June 1981, the Conference, adopting—on the recommendation of its Selection Committee—the recommendation made to it by the Governing Body at its 216th Session (May-June 1981) pursuant to section III, paragraph 5 (a), of the proposals relating to the procedure for the appointment of committees¹ adopted by the Conference in 1959, decided to reappoint for a period of three years expiring on 30 June 1984 Mr. Constantin A. Stavropoulos (*Greece*) and to appoint for the same period Mr. Pierre Laroque (*France*), Councillor of State, as members of the Panel from which the Appeals Board is appointed.

Excerpt from the Report of the Standing Orders Committee²

The Conference had before it the report of its Standing Orders Committee, which contained the following paragraph:

“10. ...The Committee submits... to the Conference for confirmation an amendment to replace the present first sentence of article 16, paragraph 9, of the Rules concerning the Powers, Functions and Procedure of Regional Conferences by the following text:

If the amount of arrears due from a Member of the Organisation equals or exceeds the contribution due from that Member for the preceding two full years, the Government, Employers' and Workers' delegates at regional conferences appointed by that Member and their advisers shall, unless the International Labour Conference has decided in accordance with article 13, paragraph 4, of the Constitution to permit the Member to vote, be disqualified from voting in regional conferences and their committees.”

Declaration concerning the Policy of Apartheid in South Africa³

The General Conference of the International Labour Organisation,

Recalling the Declaration unanimously adopted by the Conference on 8 July 1964 concerning the Policy of Apartheid of the Republic of South Africa;⁴

Considering that all Members of the ILO have, by the Declaration of Philadelphia embodied in the Constitution as a statement of the aims and purposes of the Organisation, solemnly affirmed that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”;

Considering that according to its Constitution the ILO exists for the promotion of the objectives set forth in the Preamble thereto and in the Declaration of Philadelphia;

Considering that the Government of South Africa, having failed to co-operate in promoting the objectives set forth in the Preamble to the Constitution and in the

¹ See *Official Bulletin*, 1959, No. 6, p. 217, and pp. 193-194.

² Adopted by the Conference on 11 June 1981. See also p. 149 above (Resolution XI, submitted to the Conference by the Standing Orders Committee).

³ Adopted by the Conference on 18 June 1981 by 434 votes in favour, 0 against, with 7 abstentions.

⁴ For the text of the Declaration, see *Official Bulletin*, 1964, No. 3, Supplement I, pp. 1-4.

Declaration of Philadelphia, adopted and is practising the inhuman policy of apartheid, which is wholly incompatible with the aims and principles of the Declaration of Philadelphia, thus creating an alarming situation, further aggravated by the extension of the apartheid system into Namibia through the illegal occupation of that territory by South Africa, incurred the condemnation of the International Labour Conference and was led to withdraw from the Organisation by virtue of a communication dated 11 March 1964;

Considering that according to the Declaration of Philadelphia the principles set forth therein are fully applicable to all peoples everywhere and their implementation is a matter of concern to the whole world;

Considering that apartheid has been declared a crime against humanity and that the Security Council of the United Nations, since its Resolution 182 (1963) adopted unanimously on 4 December 1963, has affirmed the conviction that the situation in South Africa is seriously disturbing international peace and security;

Considering the programme for the elimination of apartheid in labour matters in South Africa adopted in 1964 and subsequent measures to give effect to the ILO's determination to eradicate apartheid, including the annual Special Reports of the Director-General on Apartheid in South Africa, the expansion of the activities of the International Labour Office in this field, the 1971 Conference resolution concerning apartheid and the contribution of the International Labour Organisation to the International Year for Action to Combat Racism and Racial Discrimination; the report of the Tripartite Meeting of Members of the Governing Body held in May 1980; and the report of the Committee on Apartheid set up by the Conference in June 1980;

Considering especially the Report of the International Tripartite Meeting on Action against Apartheid held at Livingstone in May 1981, which recognised that the solution to the problem of apartheid must take into account the political implications of that system and went on to recommend specific action for the elimination of apartheid;

Sharing the growing concern of the international community at the deterioration of the situation in South Africa under apartheid and the need for action thereon, as shown in the Programme of Action adopted at the United Nations General Assembly and in subsequent resolutions and instruments adopted by that Assembly (including the Convention on the Suppression and Punishment of the Crime of Apartheid, the Declaration of the World Conference on the Decade against Racism and Racial Discrimination and the programme for the second half of this Decade) as well as the resolutions of the Security Council concerning the situation in South Africa;

Reaffirming in addition the need to co-operate with all organisations in the campaign to eliminate apartheid, in particular the United Nations, the Organisation of African Unity and international and regional organisations of workers and employers;

Considering that developments which have taken place since the adoption of its Declaration and Programme for the Elimination of Apartheid in 1964 have demonstrated that apartheid still operates in a manner which deprives the Black population of free access to employment and training, full enjoyment of freedom of association and the right to organise, and equality of opportunity and treatment in the field of labour, while recent events have shown that through the "bantustan" policy and the use of repressive measures the South African Government still acts in a manner which violates international labour standards and which therefore requires urgent action by the international community to secure social justice, peace and freedom for all the people of South Africa;

Reaffirming its determination to continue to fulfil its responsibility to promote and take its part in securing the freedom and dignity of the people of South Africa, and to fight the policy of apartheid practised by the Government of South Africa;

Faithful to its role as spokesman of the social conscience of mankind and affirming once again its conviction that a government which deliberately practises apartheid is unworthy of the community of nations;

Considering that only urgent and determined action by the international community will bring the Government of South Africa to abandon its disastrous policy and to co-operate with employers' and workers' organisations in placing the relations between the various elements of the population of South Africa, and the relations between the people of South Africa and the rest of the world, on the basis of the equality of man, justice for all, good neighbourliness and mutual respect:

1. Solemnly reaffirms its fidelity to the fundamental principle of the Declaration of Philadelphia, according to which "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".

2. Emphatically reaffirms its condemnation of the degrading, criminal and inhuman racial policies of the Government of South Africa, which policies are a violation of fundamental human rights and thus incompatible with the aims and purposes of the ILO.

3. Strongly reaffirms its determination to pursue its action until respect for the freedom and dignity of all human beings, irrespective of race, is fully assured in South Africa and until, to this end, the following objectives have been attained:

- the total and final elimination of the policy of apartheid;
- the repeal of all legislative, administrative and other measures which are a violation of the principle of the equality and dignity of man and a direct negation of the inherent rights and freedoms of the peoples of South Africa;
- the establishment and consistent pursuit of a policy of equal opportunity and treatment for all, in employment and occupation, irrespective of race, creed or sex.

4. Decides to establish a permanent Committee on Apartheid of the International Labour Conference for the purpose, inter alia, of monitoring action against apartheid.

5. (a) Confirms the Director-General's mandate to monitor and follow the situation in South Africa in respect of labour and social matters, and to submit every year for consideration by the Conference Committee on Apartheid a Special Report on the subject; to this effect, to request governments, employers' and workers' organisations to provide information, in such form as the Governing Body may determine, on the action taken against apartheid in accordance with recommendations contained in the Appendix to the updated Declaration, including information on failure to take action and on the active promotion of relations which strengthen the apartheid system;

(b) Invites the Governing Body's Committee on Discrimination to consider the information described in sub-paragraph (a) above, and to submit a report to the Conference Committee on Apartheid.

6. Invites the Governing Body and the Director-General to take the necessary steps—

- (a) to increase the ILO's educational activities and technical assistance to the liberation movements, the Black workers and their independent trade unions in South Africa, in close co-operation with the Organisation of African Unity, the Special Committee against Apartheid and the Commission on Human Rights of the United Nations, the international and African workers' and employers' organisations and the front-line States and those States in the neighbourhood of South Africa which are seriously affected by the aggressive actions of South Africa, in particular by:
- (i) an increase in the resources made available from the ILO regular budget, and from external sources on a bilateral or multilateral basis, for enlarging the ILO's capacity to combat apartheid and to provide assistance to its victims;
 - (ii) the establishment of a voluntary fund for the workers of South Africa, to which contributions should be made regularly by ILO member States as well as by employers' and workers' organisations;
 - (iii) the broadening of the scope of ILO assistance to liberation movements from southern Africa recognised by the Organisation of African Unity, in particular by the use of its technical services in the fields of vocational training, labour administration, occupational safety and health, rural development, workers' education, co-operative development, equality of treatment for women workers and advice on the elimination of discriminatory labour legislation;
 - (iv) the establishment of a training institute for South Africa, designed more specifically for the promotion of manpower training and development;
 - (v) assistance to the States providing facilities for refugees from South Africa and Namibia at institutions of their own through the provision of equipment, expertise and fellowships;
 - (vi) the creation of training facilities and employment opportunities for refugees in their countries of refuge in such a way that their skills will be of immediate use and also of assistance to their countries of origin upon their return;
 - (vii) co-operation with the governments of the States in the immediate neighbourhood of South Africa in devising and implementing policies which will enable them to reduce their dependence on South Africa, and in particular the supply of migrant labour to South Africa;
 - (viii) assistance in the establishment of long-term solutions to problems involving migrant labour including public works programmes and other labour-intensive forms of job creation; the provision, over the short term, of assistance to migrant workers through advice on negotiations concerning their terms and conditions of employment, and through enabling migrant workers to be more fully informed of their rights; and
 - (ix) the expansion of the programme of information on apartheid in labour matters and other questions of direct concern to the workers of southern Africa;
- (b) to use existing ILO procedures, including those of the Committee on Discrimination of the Governing Body, to attain the objectives assigned to the ILO under its Programme for the Elimination of Apartheid; and
- (c) to encourage and extend financial support to workers' and employers' organisations in their programmes of action against apartheid so that they can exert the maximum pressure for the implementation of various recommendations falling within their sphere of competence.

7. Renews its urgent appeal to governments, employers and workers of member States of the ILO to combine their efforts and put into application all appropriate measures to lead South Africa to heed the call of humanity and renounce its shameful policy of apartheid. In this respect, the basic guideline should be the Conclusion on action against apartheid of the 1980 Session of the International Labour Conference as reflected in *Provisional Record* No. 25, of the 66th Session, the text of which is attached as the Appendix to this updated Declaration.¹

8. Reaffirms its resolve to co-operate with the United Nations in seeking and guaranteeing freedom and dignity, economic security and equal opportunity for all the people of South Africa, and in particular with the United Nations Special Committee against Apartheid, and its desire to co-operate with the Organisation of African Unity in all fields related to the elimination of apartheid.

9. Requests the Governing Body and the Director-General to take the necessary steps to organise systematic consultations with a view to reinforcing ILO co-operation with the Organisation of African Unity, and with the United Nations, including its Special Committee against Apartheid and its Commission on Human Rights, as well as with the other specialised agencies of the United Nations system, in order to intensify and co-ordinate all activities whose ultimate objective is to eliminate apartheid totally in all its facets at a more accelerated pace than hitherto.

Excerpt from the Report of the Committee on Structure²

The Conference had before it the report of its Committee on Structure, which contained the following paragraphs:

IV. "CONCLUSIONS AND RECOMMENDATIONS OF THE COMMITTEE ON STRUCTURE"

(1) After considering the reports of the thirteenth, fourteenth and fifteenth meetings of the Working Party on Structure, the Committee on Structure noted that the Working Party had achieved significant progress within the framework of the mandate given it by the Conference at its 66th Session, particularly with respect to the preparation of the legal texts on the questions on which agreement had been reached. The Committee also noted that, as regards substance, the questions linked with article 7 of the Constitution still remained to be solved, such as the divergent points of view within the Employers' group regarding its representation in the Governing Body and the need to determine ways and means for giving effect to paragraph 5 of the compromise concerning the regional distribution of the Government seats in the Governing Body.

(2) In accordance with the report of the drafting group set up for this purpose, the Committee first of all reached the conclusion that the texts drafted to give effect to the compromise agreements reached, as recorded in Appendix III of the report of the fifteenth meeting of the Working Party, adequately reflected the work accomplished so far and provided a satisfactory basis for the future amendment, as appropriate, of the Constitution and the Standing Orders when these items were placed on the agenda of the Conference.

¹ For this text, see *Official Bulletin*, 1980, Series A, No. 2, pp. 85-88.

² Adopted by the Conference on 24 June 1981.

(3) Secondly, as regards the questions still outstanding concerning article 7 of the Constitution, the Committee had before it a proposal from the Group of 77 for inserting a general provision in article 7 of the Constitution concerning the criteria to be taken into consideration with a view to ensuring the representativity of the Governing Body in each of its three constituent groups. This proposal was received with interest, but the parties mainly concerned considered that the proposal did not provide at this stage a basis for the conclusion of the debate on this question.

(4) With regard to the question of the deputy members in the non-governmental groups of the Governing Body, which in the opinion of those groups constituted a condition *sine qua non* for their agreement to the structural reforms and on which there had been considerable discussion both in the Committee and in its drafting group, it did not prove possible to reach a final conclusion.

(5) Taking into account the process achieved thus far, the Committee was of the opinion that it was necessary to place draft amendments to the Constitution and to the Standing Orders, as appropriate, on the agenda of the 68th (1982) Session of the International Labour Conference for all the questions included in the mandate of the Working Party. The Committee expressed the strong desire that this time it would be possible to reach a definitive consensus on all outstanding questions. If such a consensus were not reached on all these questions, the adoption of the amendments might have to be postponed.

(6) To fulfil the above objective, the Committee recommends that the Conference—

- (a) request the Governing Body to take appropriate steps so that all the questions corresponding to the proposed amendments to the Constitution may be placed on the agenda of the 68th Session of the Conference, in accordance with the relevant provisions of the Constitution and of the Standing Orders of both the Conference and the Governing Body, and that the preparatory work on these provisions may be carried out by the Office;
- (b) express the hope that the States Members of the different regions will be able to take all necessary steps to finalise in sufficient time, taking account of subparagraph (c) below, agreements concerning the methods for the internal distribution of the Government seats in the Governing Body within the regions, through appropriate regional consultations and through their coordinators;
- (c) request the Governing Body, furthermore, to take appropriate steps—
 - (i) to convene, before the November 1981 Session of the Governing Body, a meeting of the Working Party on Structure—in its present composition, subject to any adjustments that may prove necessary—with a view to enabling the Governing Body to fulfil the mandate under subparagraph (a) above;
 - (ii) to convene such other meeting of the Working Party as the latter may consider necessary with a view to finalising the questions still outstanding and to examine the report which the Office will, in the circumstances, be submitting to the Conference on the amendments placed on its agenda, on the basis of the guidelines provided by the meetings referred to above.”

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INTERNATIONAL LABOUR OFFICE

OFFICIAL BULLETIN

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Office Publications and Documents

To ensure that all regular readers of the *Official Bulletin* receive full and up-to-date information on Office publications and documents, the quarterly *ILO Publications* list will be sent to them free of charge. A complete catalogue is available on request and books may be purchased from: ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland.

The General Index for 1981 which has been printed separately is being distributed with this issue

OFFICIAL BULLETIN

*Vol. LXIV**1981**Series A, No. 3*

INFORMATION

215th Session of the Governing Body of the International Labour Office

(Geneva, 3–6 March 1981)

The 215th Session of the Governing Body of the International Labour Office was held from Tuesday 3 to Friday 6 March 1981, under the chairmanship of Mr Vijit Sangtong (Government representative, Thailand).

The agenda was as follows:

1. Approval of the Minutes of the 214th Session.¹
2. Determination of the Members of the Organisation of chief industrial importance.²
3. Report of the Joint Maritime Commission on its 23rd Session (Geneva, 16–24 October 1980).³
4. Report of the Meeting of Experts to Draw up a Code of Practice on Safety and Health in the Construction of Fixed Offshore Drilling Installations in the Petroleum Industry (Geneva, 1–10 December 1980).
5. Record of the Ninth Asian Regional Conference (Manila, 2–11 December 1980).
6. Report of the Tripartite Working Group on Appropriate Technology (Geneva, 15–19 December 1980).
7. Report of the African Advisory Committee on its Seventh Session (Libreville, 27 January–4 February 1981).
8. Activities of the International Occupational Safety and Health Information Centre (CIS) in 1980.⁴
9. Report of the Committee on Freedom of Association.
10. Reports of the Programme, Financial and Administrative Committee.
11. Report of the Allocations Committee.
12. Report of the Committee on Standing Orders and the Application of Conventions and Recommendations.

¹ The Governing Body approved these minutes.

² The Governing Body postponed a decision on this matter.

³ Postponed from the 214th Session.

⁴ The Governing Body took note of this report.

13. Report of the International Organisations Committee.¹
14. Report of the Committee on Operational Programmes.¹
15. Report of the Committee on Discrimination.¹
16. Composition and agenda of standing bodies and meetings.
17. Symposia, seminars and assimilated meetings.¹
18. Report of the Director-General.

Supplementary Reports:

- Invitation to the African Regional Centre for Labour Administration (CRADAT) to be represented at Governing Body sessions;²
 - International Tripartite Meeting on Action against Apartheid;
 - Application for consultative status of the General Union of Chambers of Commerce, Industry and Agriculture for Arab countries;
 - Further information on action taken on the resolution concerning the implications of Israeli settlements in Palestine and other occupied Arab territories in connection with the situation of Arab workers;³
 - Composition of Asian regional conferences;⁴
 - Representation at the 67th (1981) Session of the International Labour Conference: non-metropolitan territories; international non-governmental organisations;
 - Appointment of Mr. V. G. Chkounaev to the post of Assistant Director-General of the ILO;³
 - Composition of the Third Tripartite Technical Meeting for the Timber Industry (Geneva, 1–10 December 1981).³
19. Programme of meetings.
 20. Appointment of Governing Body representatives on various bodies.⁵

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The following is an account of the action taken by the Governing Body on this agenda.⁶

REPORT OF THE JOINT MARITIME COMMISSION
ON ITS 23RD SESSION⁷

(Geneva, 16–24 October 1980)

The Director-General was authorised to communicate the text of the resolution adopted by the Commission on employment conditions of seafarers serving in ships flying flags other than those of their own country to governments of member States, drawing their attention to operative paragraphs 1 and 2 of the resolution, as well as to the international employers' and workers' organisations having consultative status; and, in so doing, to request governments to transmit the text of the resolution to the employers' and workers' organisations concerned. He was requested to bear in mind operative paragraph 3 of the resolution when planning the future programme of work

¹ The Governing Body took note of this report.

² Postponed from the 214th Session.

³ The Governing Body took note of the information given.

⁴ The Governing Body postponed a decision to its 216th Session. See below, p. 180.

⁵ The Governing Body had no paper before it on this item.

⁶ The texts of the documents and reports examined by the Governing Body and the approved summary of the discussions, together with a detailed account of how decisions were taken, are to be found in the set of documents constituting the minutes of each session.

⁷ For the texts of the resolutions adopted by the Commission, see below. pp. 205–208.

of the Office, as well as operative paragraph 4 of the resolution when submitting to the Governing Body proposals for the agenda of the next Maritime Session of the Conference.

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wish expressed by the Joint Maritime Commission in the operative paragraph of the resolution concerning an international seafarers' code.

The Director-General was authorised to communicate the text of the resolution concerning the minimum basic wage of able seamen to governments of member States, drawing their special attention to the operative paragraph of the resolution, and authorised the Director-General to communicate the text of the resolution to the international employers' and workers' organisations having consultative status; and governments were requested to transmit the text of the resolution to the employers' and workers' organisations concerned.

The Governing Body requested the Director-General to take account of operative paragraph 1 of the resolution concerning seafarers' welfare when planning the future programme of work of the Office; to arrange for liaison, as appropriate, with IMCO and the Customs Co-operation Council in accordance with operative paragraph 3 of the resolution; and to bear in mind operative paragraph 4 of the resolution when submitting to the Governing Body proposals for the agenda of the next Maritime Session of the Conference. The Governing Body decided to promote the wider application of Convention No. 108, as urged in operative paragraph 2 of the resolution.

The Director-General was asked to bear in mind the operative paragraph of the resolution concerning the collection of statistical data concerning loss of life of seafarers when planning the future programme of the Office and when submitting to the Governing Body proposals for the agenda of the next session of the Joint Maritime Commission.

The number of regular members of the Joint Maritime Commission will be increased to 40 (with 8 deputy members), 20 (with 4 deputy members) to be selected by the Shipowner delegates and 20 (with 4 deputy members) to be selected by the Seafarer delegates at the next Maritime Session of the International Labour Conference, and the Standing Orders of the Commission will be amended accordingly.

The Director-General was requested to co-operate with the Secretary-General of IMCO with a view to amending the terms of reference of the Joint IMCO/ILO Committee on Training to cover safety manning of ships.

As regards both the timing and the agenda of the next Preparatory Technical Maritime Conference and the next Maritime Session of the General Conference, the Governing Body requested the Director-General to bear in mind the views expressed on the matter by the Shipowner and Seafarer members of the Joint Maritime Commission when making programme proposals to the Governing Body.

REPORT OF THE MEETING OF EXPERTS TO DRAW UP A CODE OF PRACTICE ON SAFETY AND HEALTH IN THE CONSTRUCTION OF FIXED OFFSHORE DRILLING INSTALLATIONS IN THE PETROLEUM INDUSTRY

(Geneva, 1-10 December 1980)

The Governing Body asked the Director-General to express its thanks to the Government of Norway for its most generous gesture in making available a substantial sum of money for the preparation of the Code and to that of the United Kingdom for providing the ILO, free of cost, with the services of an expert to assist in the preparation of the document. The Governing Body approved publication of the Code on the understanding that the Office would follow the matter up and submit to it proposals for a revision of the Code as and when appropriate.

RECORD OF THE NINTH ASIAN REGIONAL CONFERENCE

(Manila, 2–11 December 1980)

The Governing Body expressed its deep gratitude to the Government and to the employers' and workers' organisations of the Philippines for the excellent facilities placed at the Conference's disposal and for the cordial welcome extended to the participants.

The Director-General was authorised to transmit the conclusions¹ adopted by the Conference on the two technical items of its agenda, the resolutions¹ adopted by the Conference on questions not included in its agenda as well as the reports of the two corresponding committees, the conclusions of the Working Party on the debate on Part 2 of the Director-General's Report (Application of Standards), and the minutes of the debate in the Governing Body to the governments of member States and through them to the national employers' and workers' organisations; to the international inter-governmental organisations concerned; and to the international non-governmental organisations with consultative status and other non-governmental organisations concerned.

CONCLUSIONS CONCERNING THE TECHNICAL ITEMS OF THE CONFERENCE AGENDA

Freedom of Association, Labour Relations and Development in Asia

The Director-General was requested to take account of the recommendations in the Conclusions concerning freedom of association, labour relations and development in making proposals for the future work programme of the ILO in the region.

Problems of Rural Workers in Asia and the Pacific

The Director-General was requested to draw the special attention of the governments of member States of Asia and the Pacific to the appeal addressed to them in paragraph 31 of the Conclusions on problems of rural workers; and to take account of the recommendations for ILO action in paragraphs 45 to 48 of the Conclusions in making proposals for the future work programme of the ILO in the region. The wish expressed in paragraph 49 of the Conclusions will be referred to the Committee on Operational Programmes for consideration at the November 1981 session of the Governing Body. The wish expressed in paragraph 50 of the Conclusions will be referred to the Advisory Committee on Rural Development for consideration at its next session, proposed to be held in 1982–83.

The Governing Body further decided to refer the proposal mentioned in paragraph 51 of the Conclusions to its Committee on Operational Programmes for consideration at the November 1981 session of the Governing Body.

RESOLUTIONS ON QUESTIONS NOT INCLUDED IN THE CONFERENCE AGENDA

Resolution concerning the Protection of Asian Migrant Workers

The Director-General was asked to draw the special attention of governments of member States of the region to operative paragraph 1 of the resolution; and to bear in mind the wishes expressed by the Conference in operative paragraph 2 of the resolution in making future programme proposals and in the meantime to look into the possibility of obtaining extra-budgetary resources for financing the studies called for in paragraph 2 (a).

¹ For these texts see below, pp. 209–222.

Resolution concerning Workers' Education

The Director-General was invited to draw the special attention of governments of member States of the region to the appeal addressed to them in operative paragraph 1 of the resolution; to bear in mind the recommendations in operative paragraph 2 in carrying out ongoing programmes and in preparing future programme proposals; and to convey to the UNDP and other funding agencies the request in operative paragraph 2 (a) (ii).

Resolution concerning the Improvement of Working Conditions and Environment in Asia and the Pacific

The Director-General was invited to draw the special attention of the governments of member States of the region to the recommendations in operative paragraphs 1 to 4 of the resolution as regards the measures to be taken and the principles to be applied, and to request the governments, when transmitting the resolution to the employers' and workers' organisations, to draw their special attention to operative paragraph 1 (a); and to bear in mind the wishes expressed by the Conference in operative paragraph 5 of the resolution in preparing future ILO programme proposals.

Resolution concerning Technical Co-operation Activities of the ILO in Asia and the Pacific

The Director-General was requested to draw the special attention of the governments of member States of Asia and the Pacific to operative paragraph 2 of the resolution and to invite them, when transmitting the resolution to employers' and workers' organisations, to draw the special attention of those organisations to paragraph 2 (c). The recommendations in operative paragraph 3 will be referred to the Committee on Operational Programmes of the Governing Body for consideration at its November 1981 session.

Resolution concerning the Implementation of a Full Employment Policy in Asia

The Director-General was requested to draw the special attention of governments of Asian member States to the appeals addressed to them in operative paragraph 1 of the resolution; to draw the special attention of governments of all member States to paragraph 2; to bear in mind the recommendation in paragraph 3 in preparing future programme proposals; and to bear in mind the wish expressed by the Conference in paragraph 4 when making proposals for the agenda of future sessions of the General Conference.

Resolution concerning Multinational Enterprises and Social Policy in Asia

The Governing Body asked the Director-General to report to the Asian Advisory Committee at its next session on the implementation in the region of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

REPORT OF THE TRIPARTITE WORKING GROUP ON APPROPRIATE TECHNOLOGY

(Geneva, 15–19 December 1980)

The Governing Body took note of the report and conclusions adopted by the Tripartite Working Group on Appropriate Technology. It authorised the Director-

General to communicate the Working Group's report and conclusions to the Administrator of UNDP and the Chairman of the Inter-governmental Committee on Science and Technology for Development; and to the governments of member States and through them to the employers' and workers' organisations, as well as to appropriate international intergovernmental and non-governmental bodies and organisations, including the non-governmental organisations with consultative status and any other bodies concerned; and requested the Director-General to take account of the Working Group's conclusions when submitting future programme proposals to the Governing Body.

REPORT OF THE AFRICAN ADVISORY COMMITTEE ON ITS SEVENTH SESSION

(Libreville, 27 January—4 February 1981)

The Governing Body expressed its deep gratitude to the Government of Gabon for the facilities placed at the Committee's disposal and the cordial welcome extended to it.

The Director-General was authorised to transmit the Committee's report and conclusions to the governments of the member States of the region and through them to the employers' and workers' organisations, as well as to the international organisations concerned.

Agenda of the Sixth African Regional Conference

The agenda of the Sixth African Regional Conference was fixed as follows:

- I. Report of the Director-General;
 - II. Application of the Declaration of Principles and Programme of Action of the World Employment Conference;
 - III. Conditions of work and the working environment;
- it being understood that, in so far as the Report of the Director-General was concerned, Part II would be devoted to international labour standards, which could be considered by a working party, and one chapter of Part I would be devoted to the question of the investment of social security funds; and that, in preparing the reports on items II and III, the Office would bear in mind the recommendations of the Committee regarding their contents and objectives, as set forth in its report.

ILO Activities in Africa

The Director-General was invited to take special account of the relevant conclusions and recommendations of the Committee in drawing up the programme of the Organisation in Africa.

Ratification and Implementation of International Labour Standards in Africa

The Director-General was invited to take the various wishes and suggestions of the Committee on this subject into account in drawing up the programme of the Office in this field.

Report of the Tripartite Team for the Evaluation of ILO Technical Co-operation Activities in Senegal

The Governing Body expressed its deep gratitude to the Government and to the employers' and workers' organisations of Senegal for their co-operation in the

evaluation exercise, for the facilities placed at the disposal of the Tripartite Evaluation Team and for the cordial welcome and assistance extended to the members of the Team during their stay in Senegal; it referred the report of the Tripartite Evaluation Team, together with the record of the relevant discussion in the African Advisory Committee, to the Committee on Operational Programmes for consideration at the November 1981 session of the Governing Body; and authorised the Director-General to transmit the text of the report to the Government of Senegal and, through it, to the organisations of employers and workers, indicating that substantive consideration of the report would take place at its November 1981 session.

REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

The Governing Body examined and adopted the 207th Report of its Committee on Freedom of Association.¹

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

The Governing Body, which had before it the Programme and Budget proposals for 1982–83 submitted by the Director-General, decided to propose to the International Labour Conference a draft resolution concerning the adoption of a budget amounting to \$238,746,000 for the 58th financial period and the allocation of expenses among Members in that period.²

On the basis of the reports of its Committee, the Governing Body took note of information submitted to it on financial and administrative matters relating to the Programme and Budget for 1980–81. It took the necessary steps to finance the International Tripartite Meeting on Action against Apartheid³ and the Conference Committee on Apartheid.

With regard to personnel questions, the Governing Body took note of the information submitted and decided in particular to submit to the Conference a draft resolution recommending the payment of two additional annuities into the ILO Staff Pensions Fund,⁴ as well as a resolution concerning the composition of the Administrative Tribunal of the ILO.⁵ It also took note of the result of the consultations with the organisations which have recognised the jurisdiction of the ILO Tribunal on the proposed harmonisation of the Statutes of the UN and ILO Administrative Tribunals.

REPORT OF THE ALLOCATIONS COMMITTEE

The Governing Body decided that the ILO scale for 1981 as approved by the Conference and reproduced in the Committee's report should be submitted to the Conference for adoption as the scale of contributions to the 1982–83 budget, subject to such adjustments as might be necessary following the assessment of new member States.⁶

¹ The text of this Report is published in Series B of the *Official Bulletin*.

² The Governing Body revised the draft resolution at its 216th Session. See below, p. 174.

³ See also below, pp. 167–8.

⁴ This resolution was adopted by the Conference at its 67th (1981) Session. See *Official Bulletin*, 1981, Series A, No. 2, p. 148.

⁵ This resolution was adopted by the Conference. *Ibid.*, p. 148.

⁶ The scale was adopted by the Conference in the resolution concerning the adoption of the Programme and Budget of the ILO for 1982–83. *Ibid.*, p. 149.

Standing Orders

Participation of women in ILO meetings

The Governing Body decided to submit a resolution to the Conference urging that measures should be taken to secure the widest possible participation of women, on the same footing as men, at the International Labour Conference.¹

Application of article 13, paragraph 4, of the Constitution

The Governing Body decided to submit to the Conference for confirmation an amendment to article 16, paragraph 9, of the Rules concerning the Powers, Functions and Procedure of Regional Conferences concerning the loss of the right to vote of a Member of the Organisation which is in arrears in its financial contribution and the recovery of that right.² It also adopted an amendment replacing the present first sentence of article 14, paragraph 7, of the Standing Orders for Industrial and Analogous Committees with the following text:

If the amount of the arrears due from a Member of the Organisation equals or exceeds the contribution due from that Member for the preceding two full years, the Government, Employers' and Workers' delegates appointed by that Member and their advisers shall, unless the International Labour Conference has decided in accordance with article 13, paragraph 4, of the Constitution to permit the Member to vote, be disqualified from voting in the committees and their subcommittees.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS³

Standing Bodies

Panel of Consultants on Workers' Education

Mr. R. L. Thakar (India)⁴ was appointed to the Panel of Consultants as a member, after the Workers' group had been consulted, for a period expiring on 1 May 1985.

Advisory Committee on Rural Development

Mr. V. V. Dravid (India)⁵ was appointed to the Advisory Committee as a substitute Worker member, after the Workers' group had been consulted, for a period expiring on 31 December 1983.

Meetings

Meeting of Experts on the Relationship between Hours of Work and Shop and Bank Opening Hours

The Governing Body noted that its Officers had approved the following nominations made after consultations with governments: Mr. Samir Mohammed Ali

¹ The Conference adopted this resolution. See *Official Bulletin*, 1981, Series A, No. 2, p. 149.

² The Conference confirmed this amendment. *Ibid.*, p. 150.

³ The titles and functions of the experts are given in full in the document submitted by the Office in the context of this item on the agenda.

⁴ To replace Mr. J. C. Dikshit (India).

⁵ To replace Mr. B. Bhagwati (India).

Elchayeb (Egypt); Mr. Luis Roberto García Díaz Granados (Colombia); Mr. R. Kunjithapadam (India); Mr. O. H. S. Udobi (Nigeria); Mr. Wong Chin Wee (Malaysia); Mr. Zmarzlik (Federal Republic of Germany).

The following further government nominations were also approved: Mr. G. Haak (Netherlands);¹ Mr. M. Anders (Sweden).²

The following nominations were approved after consulting the Workers' group: Mr. Kodjo Anani (Togo); Mr. Moritz Brakner (Denmark); Mr. Benedicto Chikoti (Zambia); Mr. Gilbert Clajot (Belgium); Mr. J. S. Coutinho (India); Mr. Wilson Gomes De Moura (Brazil); Mr. James B. Maher (Australia); Mr. David Paterson (United Kingdom); Mr. Takahiko Shirakawa (Japan); Mr. Serge Scipion (France); Mr. Dieter Steinborn (Federal Republic of Germany); Mr. Michael Young (United States).

Substitutes:

Mr. Ibrahim Casimir Diouf (Senegal); Mr. Robert Freitag (Austria); Mme Vera Karpenkova (USSR); Mr. Ghulam Miran Kashmari (Pakistan); Mr. G. Sammy Muhanji (Kenya); Mr. Raymond Nockels (Belgium); Mr. Manuel Ovidio Rojas (Venezuela); Mr. James Eric Pilling (New Zealand); Mr. Nico Van De Stel (Netherlands); Mr. Wagenaar (Netherlands).

The Officers of the Governing Body were authorised to approve the one remaining nomination to be made after consultations with governments.

The Governing Body authorised the Director-General to invite the Trade Unions International of Public and Allied Employees, and the World Federation of Trade Unions of Non-manual Workers to be represented at the Meeting.

Meeting of Experts on Household Surveys

The Governing Body noted that its Officers had approved the following nominations: Mr. Jack Harewood (Trinidad and Tobago); Professor P. M. Hauser (United States); Mrs. C. Jusidman de Bialostozky (Mexico); Mr. Adam Machnowski (Poland); Mrs. Anuree Wanglee (Thailand); Mr. Parmmeet Singh (Kenya).

The following nomination was also approved: Mrs. Sasithorn Jotikasthira (Thailand).³

Joint ILO/WHO Committee on Occupational Health: Eighth Session

The Governing Body noted that its Officers had approved the following nomination: Mr. Earl Heath (United States).

Joint IMCO/ILO Committee on Training: Sixth Session

The Governing Body approved the following *agenda*:

1. Election of the Chairman and Vice-Chairmen.
2. Adoption of the agenda.
3. Consideration of the draft IMCO Assembly Resolution on Principles of Safe Manning.
4. Document for Guidance 1975, as amended.⁴
5. Any other business.
6. Report.

¹ To replace Mr. Bolt (Netherlands).

² To replace Mr. Tetzell (Sweden).

³ To replace Mrs. Anuree Wanglee, one of the experts listed above, whose nomination had previously been approved by the Officers.

⁴ The international maritime training guide prepared jointly by the ILO and IMCO.

The Governing Body approved the following *nominations*:

Members nominated after consulting the Shipowners' group: Mr. P. Hammer (United States); Mr. O. Hoel (Norway); Mr. G. Marinet (France); Mr. Z. S. Sdougos (Greece); Mr. J. T. M. Smorenberg (Netherlands); Mr. F. J. Whitworth (United Kingdom); Mr. G. Yoshinaga (Japan).

Members nominated after consulting the Seafarers' group: Mr. T. W. Ahlqvist (Sweden); Mr. K. A. Murphy (United Kingdom); Mr. E. Nevin (United Kingdom); Mr. S. E. Nylund (Finland); Mr. W. L. Rich, Jr. (United States); Mr. K. M. Sørensen (Denmark); Mr. W. Ch. van Zuylen (Netherlands).

Joint Meeting on Conditions of Work of Teachers

The Governing Body noted that the United States had withdrawn its request to be represented at the Joint Meeting.

Meeting of Experts on Social Security Financing

The Governing Body approved the following *agenda* for the meeting:

1. Trends in the method of financing national social security programmes in the context of an industrialised economy.
2. The impact of the method of financing (payroll taxes and contributions, general revenue, etc.) on employment and, more generally, on the national economy (wages, prices, inflation, competitiveness of enterprises, etc.).
3. Desirable policies to ensure rationalisation of the methods of financing having regard to the economic and social climate likely to prevail in future years.

The Governing Body approved the following *nominations* after consultations with governments: Mr. Tibor Farkasinszky (Hungary); Professor Victor Halberstadt (Netherlands); Mr. Colin McAlister (Australia); Mr. J. Carroll (United States); Mr. Amancio López (Argentina).

Meeting of Experts on the Safe Use of Asbestos

The following *agenda* was approved for the meeting:

1. Health hazards due to exposure to asbestos.
2. Measures of prevention and protection:
 - (a) modern concepts governing the determination of limit values for exposure to asbestos at the workplace;
 - (b) means and methods of control and monitoring of exposure to asbestos;
 - (c) technical and medical prevention;
 - (d) education and training.
3. Review of a draft questionnaire for the purpose of drawing up international standards.

Meeting of Experts on Occupational Safety and Health in the Iron and Steel Industry

The Governing Body approved the following *terms of reference* for the meeting: to draw up a Code of Practice on Occupational Safety and Health in the Iron and Steel Industry.

Obituary

The Governing Body paid tribute, at the opening of the session, to the memory of three prominent personalities who had been closely associated with the work of the ILO.

It honoured one of its former Employer Vice-Chairmen, *Mr. Pierre Waline*, a former Chairman of the Executive Committee of the International Organisation of Employers (IOE) and former member of the board of the National Council of French Employers (CNPF). His links with the ILO went back to the earliest days of the Organisation. He regularly attended the General Conference from 1922 and was elected President of the Conference in 1971. The Director-General was asked to convey the sympathy of the Governing Body to the widow and family of the deceased and to the CNPF and IOE.

The Governing Body was informed of the death of *Mr. Diego Gonz  les Blanco*, Employer member and, since 1960, Brazilian Employers' delegate to the Conference. He was a former Chairman of the General Council of the IOE and a former Vice-Chairman of the National Confederation of Brazilian Industry. The Director-General was asked to convey the sympathy of the Governing Body to the widow and family of the deceased and to the IOE and the National Confederation of Brazilian Industry.

Having been informed of the death of *Mr. Maxime Letourneur*, President of the Administrative Tribunal of the ILO since 1964 and former Deputy Chairman of the Contentious Claims Section of the French Council of State, the Governing Body asked the Director-General to convey its sympathy to the widow and family of the deceased.

The Governing Body also requested the representative of the Government of Mozambique to convey to his Government its condolences on the death of *Mr. Alberto Francisco Cassimo*, Minister of Labour of the People's Republic of Mozambique and deputy member of the Governing Body.

*Composition of the Governing Body*¹

The Governing Body took note of the following appointments made under article 5 (5) of the Standing Orders of the Governing Body to fill vacancies having occurred in the Governing Body:

Workers' group: Mr. M. D. Sow (Mauritania) as regular member in place of Mr. Konate; Mr. J. Abondo (United Republic of Cameroon) as deputy member in place of Mr. Sow.

Invitation to the African Regional Centre for Labour Administration (CRADAT) to be Represented at Governing Body Sessions

The Governing Body authorised the Director-General to invite the African Regional Centre for Labour Administration (CRADAT) to be represented at Governing Body sessions.

*International Tripartite Meeting on Action against Apartheid*²

On the recommendation of its Officers, the Governing Body appointed the following to participate in the Tripartite Meeting on Action against Apartheid:

¹ See also below, p. 170.

² See also above, p. 163.

Governments: United Republic of Cameroon, Cuba, Egypt, German Democratic Republic, Guyana, India, Indonesia, Netherlands, Nigeria, Sweden.

Employers: Mr. Appadurai (Sri Lanka), Mr. Chambers (Jamaica), Mr. Georget (Niger), Miss Hak (Netherlands), Mr. Healy (United Kingdom), Mr. Munga-wa-Nyasa (Zaire), Mr. Namata (Tanzania), Mr. Owuor (Kenya), Mr. Ruth (United States), Mr. Verschuere (Belgium).

Substitutes: Mr. Gharbaoui (Morocco), Mr. Hoff (Norway), Mr. Moukoko-Kingue (United Republic of Cameroon), Mr. Nasr (Lebanon), Mr. Okogwu (Nigeria).

Workers: Mr. Barnabo (Togo), Mrs. Carr (Canada), Mr. Issifu (Ghana), Mr. Lloyd (United Kingdom), Mr. Mehta (India), Mr. Muhr (Federal Republic of Germany), Mr. Prokhorov (USSR), Mr. Sow (Mauritania), Mr. Svenningsen (Denmark), Mr. Walcott (Barbados).

Substitutes: Mr. Abondo (United Republic of Cameroon), Mr. Ahmed (Pakistan), Mr. Cuevas (Colombia), Mr. Fassina (Italy), Mr. Siwa dio Banza (Zaire).

It was agreed that an invitation would be extended to each of the nine front-line States (Angola, Botswana, Lesotho, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe) to be represented at its own expense by a tripartite delegation, and it was further understood that any other government wishing to attend would be admitted as an observer and would have the right to speak.

The Director-General was authorised to invite the African National Congress and the Pan-Africanist Congress of Azania to be represented at the Meeting.

The Governing Body accepted the invitation of the Government of Zambia to hold the Meeting at Lusaka, Zambia, from 4 to 8 May 1981,¹ and requested the Director-General to convey its gratitude to the Government for its generous invitation.

Application for Consultative Status by the General Union of Chambers of Commerce, Industry and Agriculture for Arab countries

The Governing Body granted regional consultative status to the General Union.

Participation in the 67th (1981) Session of the International Labour Conference

Non-metropolitan territories

The Director-General was authorised to invite Antigua and Bermuda, through the Government of the United Kingdom, to send a tripartite observer delegation to the 67th Session of the International Labour Conference.

Non-governmental organisations

The Governing Body authorised the Director-General to invite the following organisations to be represented at the 67th Session of the Conference, it being understood that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with the items on the agenda in which they had expressed an interest: African Committee of Trade Union Co-ordination and Action against Apartheid and Colonialism; Arab Federation of Transport Workers; Arab Federation of Commerce Workers; Arab Federation of Metallurgical, Mechanical and Electrical Industries Workers; Arab Federation of Food Workers; Arab Federation of PTT; Arab

¹ For the Conclusion adopted by the Meeting, see below, p. 238.

Federation of Agricultural Workers; Arab Federation of Textile Workers; Arab Union of Petroleum, Mine and Chemical Workers; Arab Vocational Federation of Building, Woodworking and Construction Materials Industries' Workers; Association of Former International Civil Servants; Caribbean Employers' Confederation; Confederation of International Contractors' Associations; Council of Nordic Trade Unions; European Organisation of Military Associations; European Trade Union Confederation; Federation of Associations and Unions of the International Civil Service; Federation of European and International Public Service Unions; Federation of European Wholesale and International Trade Associations; Federation of International Civil Servants' Associations; International Alliance of Women; International Association for Social Progress; International Association of Labour Inspection; International Confederation of Arab Trade Unions; International Confederation of Executive Staffs; International Confederation of Professional and Intellectual Workers; International Confederation of Temporary Work Organisations; International Council of Nurses; International Council of Voluntary Agencies; International Council of Women; International Council on Social Welfare; International European Construction Federation; International Federation of Building and Woodworkers; International Federation of Business and Professional Women; International Federation of Chemical, Energy and General Workers' Unions; International Federation of Commercial, Clerical and Technical Employees; International Federation of Employees in Public Service; International Federation of Plantation, Agricultural and Allied Workers; International Federation of University Women; International Federation of Women Lawyers; International Graphical Federation; International Metalworkers' Federation; International Movement ATD Fourth World; International Organisation for Standardisation; International Secretariat of Catholic Technologists, Agriculturists and Economists; International Textile, Garment and Leather Workers' Federation; International Transport Workers' Federation; International Union for Child Welfare; International Union of Family Organisations; International Union of Food and Allied Workers' Associations; Inter-Parliamentary Union; Liaison Committee of Engineers, Supervisory and Managerial Staffs and Technicians; Permanent Congress of Trade Union Unity of the Workers of Latin America; Postal, Telegraph and Telephone International; Public Services International; Soroptimist International; Standing Committee of the Trade Unions of the Graphic Industries; Trade Unions International of Agricultural, Forestry and Plantation Workers, Trade Unions International of Chemical, Oil and Allied Workers; Trade Unions International of Public and Allied Workers; Trade Unions International of Textile, Clothing, Leather and Fur Workers; Trade Unions International of Workers in Commerce; Union of European Associations of Bank Employees; Women's International Democratic Federation; Women's International League for Peace and Freedom; World Confederation of Organisations of the Teaching Profession; World Federation of Teachers' Unions; World Jewish Congress; World ORT Union; World Young Women's Christian Association.

PROGRAMME OF MEETINGS

The following programme of meetings for 1981 was approved¹ :

Date	Title of meeting	Place
12-25 March	Committee of Experts on the Application of Conventions and Recommendations	Geneva
16-20 March	Joint IMCO/ILO Committee on Training (Sixth Session)	"
6-10 April	Meeting of Experts on Household Surveys	"
4-8 May	International Tripartite Meeting on Action against Apartheid	Lusaka
4-8 May	Meeting of Experts on the Relationship between Hours of Work and Shop and Bank Opening Hours	Geneva
21, 22 and if necessary 23 May	Working Party on Structure*	"
26-30 May	216th Session of the Governing Body and its committees	"
3-24 June	67th Session of the International Labour Conference	"

* Preceded by a meeting of the Government members of the Working Party on Structure (19-20 May).

The Governing Body took note of the list of forthcoming symposia, seminars and similar meetings submitted for information.

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Changes in the Composition of Governing Body Committees

The Governing Body approved the following *nominations*:

Employers' group:

Programme, Financial and Administrative Committee:

Members: Mr. Flunder and Mr. Sumbwe

Committee on Standing Orders and the Application of Conventions and Recommendations: *Substitutes:* Mr. Flunder and Mr. Sumbwe

Industrial Activities Committee: *Members:* Mr. Flunder and Mr. Sumbwe

International Organisations Committee: *Member:* Mr. Flunder

Committee on Operational Programmes: *Substitute:* Mr. Flunder

Committee on Freedom of Association: *Substitute:* Mr. Sumbwe

Committee on Discrimination: *Member:* Mr. Sumbwe

Workers' group:

Committee on Standing Orders and the Application of Conventions and Recommendations: *Substitute:* Mr. Abondo

Industrial Activities Committee: *Member:* Mr. Abondo

Committee on Operational Programmes: *Substitute:* Mr. Abondo

¹ The decisions of the Governing Body, taken at its 217th Session, on meetings for the second half of 1981 are given below, p. 195.

216th Session of the Governing Body of the International Labour Office

(Geneva, 28–30 May 1981)

The 216th Session of the Governing Body of the International Labour Office was held from Thursday 28 to Saturday 30 May 1981, under the chairmanship of Mr Vijit Sangtong (Government representative, Thailand).

The agenda was as follows:

1. Approval of the minutes of the 215th Session.¹
2. Agenda of the 69th (1983) Session of the Conference
3. Annual report of the Governing Body to the Conference.²
4. Report of the Joint ILO/WHO Committee on Occupational Health on its Eighth Session (Geneva, 2–9 March 1981).
5. Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 12–25 March 1981)³
6. Report of the Joint IMCO/ILO Committee on Training on its Sixth Session (Geneva, 16–20 March 1981).
7. Report of the Meeting of Experts on Household Surveys (Geneva, 6–10 April 1981).
8. Report on the International Tripartite Meeting on Action against Apartheid (Livingstone, Zambia, 4–8 May 1981)
9. International Centre for Advanced Technical and Vocational Training: Report on the 32nd Session of the Board of the Centre⁴
10. Reports of the Committee on Freedom of Association.
11. Reports of the Programme, Financial and Administrative Committee.
12. Report of the Allocations Committee⁵
13. Report of the International Organisations Committee⁵
14. Report of the Industrial Activities Committee.
15. Composition and agenda of standing bodies and meetings
16. Symposia, seminars and assimilated meetings
17. Report of the Director-General

Supplementary Reports:

- Composition and procedure of the Standing Governing Body Committee on Multinational Enterprises;
- Composition of Asian regional conferences;
- Procedure for the appointment of Conference committees;
- Representation at the 67th (1981) Session of the International Labour Conference: intergovernmental organisation; non-governmental international organisations.

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¹ The Governing Body approved these minutes.

² The Governing Body approved this report.

³ The Governing Body took note of this report.

⁴ The Governing Body took note of this report. See also below, p. 174.

⁵ The Governing Body had no paper before it on this item.

The following is an account of the action taken by the Governing Body on this agenda.¹

AGENDA OF THE 69TH (1983) SESSION OF THE CONFERENCE

With a view to determining the agenda of the 69th (1983) Session of the Conference, the Governing Body decided that at its 218th (November 1981) Session it should receive law and practice reports or more detailed proposals on the following questions:

- employment policy;
- safe use of asbestos;
- revision of the Occupational Health Services Recommendation, 1959 (No. 112);
- child labour (general discussion);
- social aspects of industrialisation (general discussion).

REPORT OF THE JOINT ILO/WHO COMMITTEE ON OCCUPATIONAL HEALTH ON ITS EIGHTH SESSION

(Geneva, 2–9 March 1981)

The Governing Body, after having taken note of the report, authorised the Director-General to communicate it to governments and, through them, to employers' and workers' organisations as well as to non-governmental organisations having consultative status and to the institutions and services concerned; and invited the Director-General, in drawing up the Office's programme of activities in coming years, to take into account the recommendations made by the Committee.

REPORT OF THE JOINT IMCO/ILO COMMITTEE ON TRAINING ON ITS SIXTH SESSION

(Geneva, 16–20 March 1981)

The Governing Body, after having taken note of the report, authorised the Director-General to enter into consultation with the Secretary-General of IMCO on the question of developing a revised draft of the Document for Guidance, 1975; and authorised the Director-General to enter into consultation with the Director-General of FAO and the Secretary-General of IMCO on the question of developing a document of guidance for fishermen's training and certification.

REPORT OF THE MEETING OF EXPERTS ON HOUSEHOLD SURVEYS

(Geneva, 6–10 April 1981)

The Governing Body, after having taken note of the report, authorised the Director-General to work out revised draft international recommendations for statistics of labour force, employment and unemployment to be put before the 13th International Conference of Labour Statisticians.

¹ The texts of the documents and reports examined by the Governing Body and the approved summary of the discussions, together with a detailed account of how decisions were taken, are to be found in the set of documents constituting the minutes of each session.

REPORT ON THE INTERNATIONAL TRIPARTITE MEETING ON ACTION AGAINST APARTHEID¹

(Livingstone, Zambia, 4–8 May 1981)

The Governing Body requested the Director-General to express its deep gratitude to the Government of Zambia and to the Zambian employers' and workers' organisations for the welcome extended to the Meeting and the facilities made available for it.

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

(208th, 209th and 210th Reports)

The Governing Body examined and adopted the 208th, 209th and 210th Reports of its Committee on Freedom of Association.²

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

Programme and Budget for 1980–81

Effects of inflation and other cost increases

The net additional costs resulting from inflation and other cost increases in 1980–81, now estimated at \$7,744,700, should be financed in the first instance by savings in Part I of the budget or, failing that, be charged to Part II (Unforeseen Expenditure) and to the extent that that was not possible, be financed by withdrawal from the Working Capital Fund under Article 19.1 (b) of the Financial Regulations.

Appointment of External Auditor

The Governing Body decided that the holder of the office of Comptroller and Auditor General of the United Kingdom should be appointed as External Auditor for the period from 1 April 1982 to 31 March 1984. Mr. Philip Cousins (United Kingdom) was reappointed as Deputy External Auditor of the Organisation for a period of two years from 1 April 1982.

Proposal to Accept Gift of Land from Brazilian Government on Which to Build Premises to House the ILO office in Brasilia

The Governing Body decided to propose to the Conference at its 67th (June 1981) Session that, under Article 12, paragraph 1, of the Financial Regulations, the Conference should authorise the acceptance of a gift by the Brazilian Government of land on which to build premises for the ILO office in Brasilia, subject to a final decision on such acceptance by the Governing Body at a later stage.³

Delegation of Authority under Article 18 of the Standing Orders of the Conference

The Governing Body delegated, for the period of the 67th (1981) Session of the Conference, authority to its Officers under article 18 of the Standing Orders of the

¹ For the Conclusion of the report, see below, pp. 238–239.

² The texts of these Reports are published in Series B of the *Official Bulletin*.

³ This recommendation was approved by the Conference on 15 June 1981.

Conference in relation to proposals involving expenditure in the 57th financial period ending 31 December 1981.

Programme and Budget for 1982–83

Exchange rate between US dollar and Swiss franc

The Governing Body decided that the exchange rate between the US dollar and the Swiss franc used for the purpose of calculating the 1982–83 programme and budget should be adjusted to 1.85 and that the total budget should accordingly be reduced by \$9,723,000, i.e. from \$238,746,000¹ to \$229,023,000, it being understood that the rate of exchange would be reviewed in one year's time in order to determine whether or not any adjustment would be needed for 1983 and that the Committee should be provided with information at the November 1981 session of the Governing Body on procedures for dealing with savings arising from exchange rate fluctuations and an analysis at the May 1982 session of the effects of the exchange rate fluctuations on the budget.

Revised draft Conference resolution concerning the adoption of the programme and budget for 1982–83 and the allocation of expenses among Members^{2,3}

The Governing Body decided to submit to the Conference for approval a revised draft resolution concerning the adoption of a budget in the amount of US\$230,033,000 (account being taken of the above-mentioned reduction and an additional cost of \$1,010,000 for salaries) for the 58th financial period (1982–83) and the allocation of expenses among Members in that period.

Amendments to the Financial Regulations of the International Centre for Advanced Technical and Vocational Training

The Governing Body endorsed the amended text of paragraph 5 of Appendix II of the Financial Regulations of the Turin Centre which had been adopted by the Board of the Centre at its Thirty-second Session, reading as follows:

“The External Auditor shall express and sign an opinion in the following terms: ‘I have examined the appended financial statements . . . to . . . properly identified, for the financial period ended . . . My examination included a general review of the accounting procedures and such tests of the accounting records and other supporting evidence as I considered necessary in the circumstances. As a result of my examination I am of the opinion that the financial statements properly reflect the recorded financial transactions for the period, which transactions were in accordance with the financial regulations and legislative authority and present fairly the financial position as at . . .’, adding, should it be necessary, ‘subject to the observations in my attached report’.”

Personnel Questions

With regard to personnel questions, the Governing Body approved a new scale of salaries and family allowances for General Service staff entailing an additional cost of \$1,010,000 for 1982–1983. In addition, it decided to submit a resolution to the 67th Session of the International Labour Conference relating to the composition of the Administrative Tribunal of the ILO.⁴ It also took note of information submitted to it

¹ See above, p. 163.

² See also above, p. 163.

³ This resolution was adopted by the Conference at its 67th (1981) Session. See *Official Bulletin*, 1981, Series A, No. 2, p. 149.

⁴ This resolution was adopted by the Conference. See *Official Bulletin*, 1981, Series A, No. 2, p. 148.

and approved, for a trial period of two years, a series of amendments to the Staff Regulations of the ILO relating to the appointment, probation and promotion of officials.

REPORT OF THE ALLOCATIONS COMMITTEE

The Governing Body authorised the Allocations Committee to continue its work, if necessary, after the meetings of the Governing Body from 28 to 30 May 1981 and to submit its report direct to the Finance Committee of the Government Representatives of the Conference.

REPORT OF THE INDUSTRIAL ACTIVITIES COMMITTEE

Eighth Session of the Advisory Committee on Salaried Employees and Professional Workers (1981)

Effect to be given to the conclusions and resolutions of the Committee¹

The Governing Body, after taking note of the texts adopted by the Advisory Committee, authorised the Director-General:

- (a) to communicate them to governments, informing them that the Governing Body had taken note of these documents and requesting them to communicate the texts to the employers' and workers' organisations concerned, and to the international organisations of employers and workers having consultative status; and
- (b) to draw the special attention of the governments and, through them, that of the employers' and workers' organisations concerned, as well as that of the international employers' and workers' organisations having consultative status, to the Report and Conclusions (No. 82) concerning the effects of technological and structural changes on the employment and working conditions of non-manual workers with special reference to the improvement of working conditions and in particular occupational safety and health and ergonomics; and to the Report and Conclusions (No. 83) concerning the problems of women non-manual workers: work organisation, vocational training, equality of treatment at the workplace, job opportunities.

Effect given to the conclusions and resolutions adopted by the Advisory Committee at its previous sessions

The Director-General was authorised to draw the attention of governments and, through them, that of the employers' and workers' organisations concerned, as well as that of the international employers' and workers' organisations having consultative status, to the conclusions and resolutions mentioned in Section I, Group C, of the Classification; and when planning the future programme of work of the Office, to continue to bear in mind the wishes expressed by the Advisory Committee in the conclusions and resolutions listed in Section II, Group B, of the Classification with a view to giving effect to the requests contained therein which are addressed to the Office.

The Director-General was requested to submit to the Governing Body at a forthcoming session further information on the implications for the programme of industrial activities as a whole of the recommendations contained in paragraph 28 of the report of the Working Party on the Effect Given to the Conclusions and Resolutions Adopted at the Previous Sessions of the Advisory Committee,² and any

¹ For the conclusions, resolutions and classification adopted by the Committee, see below, pp. 223–237.

² These recommendations are incorporated by the Advisory Committee in paragraphs 2 to 4 of Resolution No. 85. See below, p. 232.

suggestions, based on such information, which the Director-General might find it possible to make for giving effect to those recommendations.

The Governing Body confirmed the present *terms of reference* of the Advisory Committee, and that it had as its major concern workers employed in commerce and offices, including office workers in industrial undertakings and technical and supervisory employees; requested the Director-General to ensure that due attention was paid to the texts in question when the problems of the categories of workers concerned were examined elsewhere within the structure of the ILO, where this had not already been done; and invited the Director-General, when planning the future programme of work of the Office, to take into account the wish expressed by the Advisory Committee in paragraph 42 of the report of the Working Party.

The effects of technological and structural changes on the employment and working conditions of non-manual workers with special reference to the improvement of working conditions and in particular occupational safety and health and ergonomics

The Director-General was asked, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Advisory Committee in paragraphs 48 to 52 of Conclusions No. 82; and in submitting proposals for the agenda of the Conference, to bear in mind the wish expressed in paragraph 53 of Conclusions No. 82.

Problems of women non-manual workers: work organisation, vocational training, equality of treatment at the workplace, job opportunities

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Advisory Committee in paragraphs 40, 42 and 44 of Conclusions No. 83.

Agenda of the Ninth Session of the Advisory Committee on Salaried Employees and Professional Workers

The Governing Body, when fixing the agenda of the Ninth Session of the Advisory Committee, agreed to bear in mind the wishes expressed in the operative part of resolution No. 84.

Future ILO activities relating to salaried employees and professional workers

The Director-General was requested to draw the attention of governments to the wish expressed by the Advisory Committee in operative paragraph 5 of resolution No. 85; and when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Advisory Committee in operative paragraphs 1 and 6 of resolution No. 85.

Salaried inventors' rights

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Advisory Committee in operative paragraph 1 of resolution No. 86; and, in submitting proposals for the agenda of the Conference, to bear in mind the wish expressed in operative paragraph 2 of the same resolution.

Job evaluation

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wish expressed by the Advisory Committee in the operative paragraph of resolution No. 87.

Multinational enterprises

The Governing Body requested the Director-General, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Advisory Committee in operative paragraphs 1 and 4 of resolution No. 88; and decided to draw the attention of governments and, through them, that of the employers' and workers' organisations concerned to the wish of the Advisory Committee expressed in operative paragraph 3 of resolution No. 88.

Conditions of work and employment of professional workers

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Advisory Committee in the operative paragraphs of resolution No. 89, and in particular to submit, at a future session of the Governing Body, proposals concerning ways and means of promoting the effective application of the provisions of the Compendium of Principles and Good Practices relating to the conditions of work and employment of professional workers.

Older non-manual workers

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Advisory Committee in the operative paragraph of resolution No. 90.

Part-time non-manual work

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Advisory Committee in the operative paragraphs of resolution No. 91; and, in submitting proposals for the agenda of the Conference, to bear in mind the wish expressed in operative paragraph 2 of resolution No. 91.

Second Tripartite Technical Meeting for the Printing and Allied Trades

The Governing Body authorised the Director-General to *invite* the following non-governmental international organisations to be represented by observers at the Second Tripartite Technical Meeting for the Printing and Allied Trades: International Confederation of Executive Staffs; International Christian Federation of Trade Unions in the Graphic and Paper Industries; International Graphic Federation; Standing Committee of Trade Unions of the Graphic Industry.

Tenth Session of the Iron and Steel Committee

The Director-General was authorised to *invite* the International Iron and Steel Institute to be represented by an observer at the Tenth Session of the Iron and Steel Committee.

Joint Meeting on Conditions of Work of Teachers

The Director-General was authorised to *invite* the following organisations to be represented by observers at the Joint Meeting on Conditions of Work of Teachers: Catholic International Education Office; International Federation of Free Teachers' Unions; International Federation of Secondary Teachers; International Federation of Teachers' Associations; World Confederation of Organisations of the Teaching Profession; World Confederation of Teachers; World Federation of Teachers' Unions; World Union of Catholic Teachers.

Third Tripartite Technical Meeting for the Timber Industry

The Director-General was authorised to *invite* the following organisations to be represented by observers at the Third Tripartite Technical Meeting for the Timber Industry: International Confederation of Executive Staffs; International Federation of Building and Woodworkers; International Technical Tropical Timber Association; Trade Unions International of Agricultural, Forestry and Plantation Workers; Trade Unions International of Workers of the Building, Wood and Building Materials Industries; World Federation of Building and Woodworkers Unions.

Pending Requests for the Establishment of New Industrial or Analogous Committees

The Governing Body took the following decisions: coal mines and mines other than coal mines will continue to be dealt with by separate bodies; civil aviation will be formally excluded from the terms of reference of the Inland Transport Committee, on the understanding that meetings will be convened for civil aviation on an ad hoc basis when necessary; and a standing committee will be established for postal and telecommunications services, on the understanding that provision will be made for some degree of representation of the private sector where appropriate.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS¹

Standing Bodies

Panel of Consultants on Occupational Cancer

The Governing Body *appointed* the following persons as members of the Panel of Consultants on Occupational Cancer for a period expiring on 31 May 1985:

Nomination made after consultations with governments: Dr Hiroyuki Sakabe (Japan).

Nominations made from scientific circles: Dr. N. P. Napalkov (USSR); Prof. M. F. Rajewsky (Federal Republic of Germany).

Meetings

Joint ILO/WHO Committee on the Health of Seafarers: Sixth Session

The following *agenda* was approved for the meeting:

1. Consideration of the revised draft "International Medical Guide for Ships", incorporating the "Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG)".
2. The recording of the medical examination and the recording of the treatment of seafarers.
3. The training of seafarers in medical care.

The following *nominations* were approved:

Shipowner members: Mr. E. Raeng (Norway); Mr. F. J. Whitworth (United Kingdom).

Seafarer members: Mr. J. Kahmann (Federal Republic of Germany); Mr. K. M. Sørensen (Denmark).

¹ The titles and functions of the persons appointed by the Governing Body are given in full in the documents submitted by the Office on this item.

Meeting of Experts on Social Security Financing

The following persons were *appointed* to participate in the meeting:

Nominations made after consulting the Employers' group: Mr. Jorge Humberto Botero A. (Colombia); Mr. Hans-Achim Fritzsche (Federal Republic of Germany); Mr. Michikazu Morioka (Japan); Mr. Abdelbaqui Ragy (Morocco); Mr. Félix Mansilla (Spain).

Nomination made after consultations with a government: Mr. Robert J. Myers (United States).¹

Meeting of Experts on the Safe Use of Asbestos

The *membership* of the meeting was increased from 9 to 18 experts, with 6 experts to be nominated after consultations with governments, 6 after consulting the Employers' group and 6 after consulting the Workers' group.

Meeting of Experts on Occupational Safety and Health in the Iron and Steel Industry

After consultations with the Employers' group the following persons were *appointed* to participate in the meeting: Mr. Peter J. Laver (Australia); Dr. J. W. Charters (Canada); Mr. Mohamed Baker Nathani (Pakistan); Mr. J. A. Catton (United Kingdom).

SYMPOSIA, SEMINARS AND ASSIMILATED MEETINGS

The Governing Body took note of the Office paper and noted further that in future the Office would periodically submit to it, in synoptic form, information concerning proposed symposia, seminars and similar meetings, including in particular their regional distribution.

REPORT OF THE DIRECTOR-GENERAL

Composition and Procedure of the Standing Governing Body Committee on Multinational Enterprises

The Governing Body—

- (a) set the number of members of the Committee on Multinational Enterprises at 18 (6 Government, 6 Employer and 6 Worker members), the number of substitutes being left to the discretion of each group, with a maximum of 6 for each of them; and
- (b) approved the following arrangements concerning the organisation of the Committee's work:
 - (i) Meetings of the Committee to consider proposed replies to requests for interpretation of the relevant provisions of the Declaration: Such meetings would be declared private and only members, or substitutes replacing members, might attend. Papers prepared for such meetings would be circulated only to Committee members, although the Committee's report on such questions would have the same circulation as any other Governing Body committee report.

¹ To replace Mr. J. Carroll (United States), appointed by the Governing Body at its 215th Session.

- (ii) Other meetings (consideration of reports on the effect given to the Declaration, ILO research programme): Current practice regarding public meetings of other Governing Body committees would be followed, in particular as regards admission of Governing Body members who are not members of the Committee. As regards non-governmental organisations, only those with consultative status might be represented at such meetings of the Committee.

Composition of Asian Regional Conferences

The Governing Body decided, without prejudice to the final decision on the *regional boundaries of the Asian region*, that the nine West Asian countries which had submitted requests for participation in Asian regional conferences should henceforth be invited to participate as full members in Asian regional conferences, it being understood that should applications for participation in Asian regional conferences be received from the remaining West Asian countries, the Governing Body would consider them and decide upon them in the same positive spirit as in the case of the nine original applications.

The Governing Body further decided to *increase the membership of the Asian Advisory Committee* from 32 to 40.

Procedure for the Appointment of Conference Committees

The Governing Body recommended the Conference to reappoint for a period of three years expiring on 30 June 1984 the following person to the panel from which the members of the Conference Appeals Board are selected: Mr. Constantin A. Stavropoulos (Greece); to appoint to the panel for a period of three years, expiring on 30 June 1984: Mr. Pierre Laroque (France).

The Governing Body appointed the following three persons to serve as the Appeals Board, should it be required to meet for the 67th (1981) Session of the Conference: Mr. J. A. Barboza-Carneiro (Brazil); Mr. René Keller (Switzerland); Mr. Pierre Laroque (France).

The Governing Body authorised the Director-General, should the Board be required to meet and any of the above-mentioned persons be unable to serve, to convene other members of the Panel so as to ensure that the Appeals Board was duly constituted.

Representation at the 67th (1981) Session of the International Labour Conference

Intergovernmental organisation

The Governing Body authorised the Director-General to invite the Central Commission for Rhine Navigation to be represented at the 67th (1981) Session of the Conference.

Non-governmental international organisations

The Governing Body authorised the Director-General to invite the following organisations to be represented at the 67th Session of the Conference, it being understood that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with the items on the agenda in which they had expressed an interest: Anti-Slavery Society for the Protection of Human Rights; Arab Federation of Printing and Information Workers; Arab Union of Bank, Insurance and Finances Employees; Brotherhood of Asian Trade Unionists; Caribbean Congress of Labour; General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries; International Association of Crafts and

Small and Medium-Size Enterprises; International Council of Jewish Women; International Federation of Air Traffic Controllers' Associations; International Federation of Free Teachers' Unions; Miners' Trade Unions International; Socialist International Women; Trade Unions International of Transport Workers; Trade Unions International of Workers in the Metal Industry; World Confederation of Teachers; World Peace Council; World Union of Catholic Women's Organisations.

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Detention of Mr. Beyene Solomon in Ethiopia

The Governing Body took note of the Director-General's intention to take up the matter of the detention of Mr. Beyene Solomon, former Worker deputy member of the Governing Body, directly with the Ethiopian delegation to the 67th (June 1981) Session of the Conference.

217th Session of the Governing Body of the International Labour Office

(Geneva, 25 June 1981)

The 217th Session of the Governing Body of the International Labour Office was held on Thursday 25 June 1981 under the chairmanship of Mr. G. Ventejol (Government representative, France).

The agenda was as follows:

1. Election of Officers.
2. Appointment of Governing Body committees and of members of regional advisory committees¹ and various bodies.
3. Composition and agenda of standing bodies and meetings.
4. Report of the Director-General

Supplementary Reports:

- Appointment of Professor Roberto Ago as Chairman of the Committee on Freedom of Association
 - Invitation of a non-governmental organisation to be represented at the Meeting of Experts on Occupational Safety and Health in the Iron and Steel Industry
 - Report of the Officers of the Governing Body on a complaint concerning the observance by the Dominican Republic of the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by Mr. Cecil Rodgers, Workers' delegate of Suriname at the 67th Session of the International Labour Conference;
 - Report of the Officers of the Governing Body on a complaint concerning the observance by Haiti of the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by several Workers' delegates to the 67th Session of the International Labour Conference.
5. Questions arising out of the 67th Session of the Conference: Procedure for the further consideration of questions of structure.
 6. Programme of meetings.
 7. Appointment of Governing Body representatives on various bodies.

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The following is an account of the action taken by the Governing Body on this agenda.²

¹ The composition of the regional advisory committees will be published in a future issue.

² The texts of the documents and reports examined by the Governing Body and the approved summary of the discussions, together with a detailed account of how decisions were taken, are to be found in the set of documents constituting the minutes of each session.

ELECTION OF OFFICERS

The Governing Body elected Mr. Gabriel Ventejol, representative of the Government of France on the Governing Body, as its Chairman for the year 1981–82.

It elected Mr Oechsli as Employer Vice-Chairman and Mr Muhr as Worker Vice-Chairman for the year 1981–82.

APPOINTMENT OF GOVERNING BODY COMMITTEES AND OF MEMBERS OF REGIONAL ADVISORY COMMITTEES¹ AND VARIOUS BODIES

Appointment of Governing Body Committees

At the proposal of the groups, the Governing Body constituted its various committees as follows:

Programme, Financial and Administrative Committee

Chairman (ex officio): The Chairman of the Governing Body
(1981-82: Mr. G. Ventejol (France)).

Government group:

Algeria
Argentina
Bangladesh
Barbados
Brazil
Canada
Colombia
Ethiopia
France
German Democratic Republic
Germany, Federal Republic of
Hungary

India
Italy
Japan
Madagascar
Mali
Mongolia
Netherlands
Nigeria
Senegal
USSR
United Kingdom
United States

Substitutes:

Angola
Australia
Bahrain
Belgium
Bulgaria
Burma
China
Cuba
Denmark
Ecuador
Egypt
Ghana

Indonesia
Kenya
Mexico
Mozambique
Panama
Philippines
Portugal
Ukrainian SSR
Uruguay
Venezuela
Zimbabwe

Employers' group:

Mr. Bannerman-Menson
Mr. Chambers
Mr. Deschamps

Mr. Escobar Padrón
Mr. Flunder
Mr. Georget

¹ See footnote 1, p. 182.

Employers' group: (contd.)

Mr. Grove
Mr. von Holten
Mr. Munga-wa-Nyasa
Mr. Nasr
Mr. Oechslin
Mr. Owuor

Mr. Polites
Mr. Said
Mr. Sumbwe
Mr. Verschueren
Mr. Yoshino

Substitutes:

Mr. Castellano Sabater
Mr. Eurnekian
Mr. Gharbaoui

Miss Hak
Mr. Lindner
Mrs. Sasso-Mazzufferi

Workers' group:

Mr. Barnabo
Mr. Briki
Mrs. Carr
Mr. Issifu
Mr. Lloyd
Mr. Maier
Mr. Mehta

Mr. Muhr
Mr. Prokhorov
Mr. Sánchez Madariaga
Mr. Svenningsen
Mr. Tanaka
Mr. Walcott

Substitutes:

Mr. Abondo
Mr. Blondel
Mr. Cuevas
Mr. Dolan
Mr. González Navarro

Mr. Mashasi
Mr. Sow
Mr. Sudono
Mr. Timmer
Mr. Zimba

Building Subcommittee of the Programme, Financial and Administrative Committee

Government group:

Cuba
Germany, Federal Republic of
Japan

Senegal
USSR

Employers' group:

Mr. Deschamps
Mr. Georget

Miss Hak
Mr. von Holten

Substitutes:

Mr. Castellano Sabater
Mr. Oechslin

Mr. Polites

Workers' group

Mr. Briki
Mr. Cuevas

Mr. Muhr

Allocations Committee

Government group:

Barbados
Canada

France
German Democratic Republic

Employers' group: (contd.)

Germany, Federal Republic of
India
Japan

Mexico
USSR
United States

Substitutes:

Australia
Brazil
Bulgaria
China

Italy
Kenya
United Kingdom

Committee on Standing Orders and the Application of Conventions and Recommendations

Government group:

Algeria
Angola
Bulgaria
Burma
Canada
China
Colombia
Cuba
France

German Democratic Republic
Japan
Kenya
Portugal
USSR
United Kingdom
United States
Uruguay

Substitutes:

Argentina
Australia
Brazil
Denmark
Ecuador
Egypt
Germany, Federal Republic of
Hungary

India
Italy
Mexico
Mongolia
Netherlands
Philippines
Senegal

Employers' group:

Mr. Castellano Sabater
Mr. Chambers
Mr. Grove
Miss Hak

Mr. Polites
Mrs. Sasso-Mazzufferi
Mr. Villalobos

Substitutes:

Mr. Bannerman-Menson
Mr. Flunder
Mr. Georget

Mr. Oechslin
Mr. Said
Mr. Verschueren

Workers' group:

Mr. Blondel
Mrs. Carr

Mr. Mashasi
Mr. Svenningsen

Substitutes:

Mr. Briki
Mr. Issifu
Mr. Maier

Mr. Muhr
Mr. Vanni

Industrial Activities Committee

Government group:

Australia
Colombia
Egypt
German Democratic Republic
Germany, Federal Republic of
India
Japan

Substitutes:

Angola
Argentina
Bangladesh
Belgium
Brazil
Canada
China

Mexico
Netherlands
Nigeria
USSR
United Kingdom
United States
Zimbabwe

Denmark
Ghana
Hungary
Italy
Philippines
Ukrainian SSR
Venezuela

Employers' group:

Mr. Al-Jassem
Mr. Castellano Sabater
Mr. Chambers
Mr. Deschamps
Mr. Eurnekian
Mr. Flunder
Mr. Grove
Mr. Lindner
Mr. Moukoko Kingue
Mr. Oechsli

Substitutes:

Mr. Bannerman-Menson
Mr. Escobar Padrón
Mr. Georget
Mr. Gharbaoui

Mr. Periquet
Mr. Polites
Mrs. Sasso-Mazzufferi
Mr. Sumbwe
Mr. Tata
Mr. Verschueren
Mr. Villalobos
Mr. Yllanes Ramos
Mr. Yoshino

Miss Hak
Mr. von Holten
Mr. Munga-wa-Nyasa
Mr. Said

Workers' group:

Mr. Abondo
Mr. Ben-Israel
Mr. Brown
Mr. David
Mr. Lloyd
Mr. Mehta

Substitutes:

Mr. Barnabo
Mr. Briki
Mrs. Carr
Mr. Cuevas
Mr. Dolan
Mr. Maier

Mr. Mendoza
Mr. Muhr
Mr. Tanaka
Mr. Timmer
Mr. Vanni
Mr. Zimba

Mr. Mashasi
Mr. Prokhorov
Mr. Sánchez Madariaga
Mr. Sudono
Mr. Svenningsen
Mr. Walcott

International Organisations Committee

Government group:

Bahrain
Bangladesh
Barbados
Brazil
China
Italy

Philippines
Ukrainian SSR
USSR
United Kingdom
United States
Uruguay

Substitutes:

Australia
Canada
France
German Democratic Republic
Hungary
India

Indonesia
Mexico
Mozambique
Netherlands
Portugal
Venezuela

Employers' group:

Mr. Al-Jassem
Mr. Eurnekian
Mr. Periquet
Mr. Said

Mr. Tata
Mr. Verschueren
Mr. Yllanes Ramos

Substitutes:

Mr. Chambers
Mr. Deschamps
Mr. Georget

Mr. von Holten
Mr. Lindner
Mr. Oechslin

Workers' group:

Mr. Briki
Mr. Brown
Mr. Dolan
Mr. González Navarro

Mr. Sow
Mr. Sudono
Mr. Timmer
Mr. Vanni

Substitutes:

Mr. Barnabo
Mr. Ben-Israel
Mr. Mashasi
Mr. Mehta

Mr. Mendoza
Mr. Prokhorov
Mr. Svenningsen
Mr. Zimba

Committee on Operational Programmes

Government group:

Algeria
Bahrain
Bangladesh
Brazil
Burma
Canada
Colombia
Cuba
Denmark
Ethiopia
Ghana
Hungary

India
Indonesia
Italy
Mali
Mozambique
Netherlands
Senegal
USSR
United Kingdom
United States
Zimbabwe

Substitutes:

Argentina
Barbados
Belgium
Bulgaria
China
Ecuador
German Democratic Republic
Germany, Federal Republic of
Japan
Kenya

Madagascar
Mexico
Mongolia
Nigeria
Philippines
Portugal
Ukrainian SSR
Uruguay
Venezuela

Employers' group:

Mr. Bannerman-Menson
Mr. Deschamps
Mr. Escobar Padrón
Mr. Georget
Mr. Gharbaoui
Mr. von Holten
Mr. Moukoko Kingue

Mr. Munga-wa-Nyasa
Mr. Nasr
Mr. Oechslin
Mr. Periquet
Mr. Said
Mrs. Sasso-Mazzufferi

Substitutes:

Mr. Al-Jassem
Mr. Chambers

Mr. Eurnekian
Mr. Lindner

Workers' group:

Mr. Barnabo
Mr. Dolan
Mr. González Navarro
Mr. Mashasi
Mr. Mehta

Mr. Mendoza
Mr. Prokhorov
Mr. Sow
Mr. Sudono
Mr. Walcott

Substitutes:

Mr. Abondo
Mr. Ben-Israel
Mr. Brown
Mr. David

Mr. Svenningsen
Mr. Timmer
Mr. Zimba

Committee on Freedom of Association

Chairman: Mr. R. Ago (Italy)¹

Government group:

India. *Substitute:* Australia
France. *Substitute:* Belgium
Venezuela. *Substitute:* Argentina

Employers' group:

Mr. Polites
Mr. Verschueren

Mr. Yllanes Ramos

¹ Extended as independent Chairman until the expiry of the term of office of the present Governing Body.

Substitutes:

Mr. Castellano Sabater
Mr. Chambers
Mr. Georget
Mr. Oechslin

Mr. Owuor
Mrs. Sasso-Mazzufferi
Mr. Villalobos

Workers' group:

Mr. Issifu
Mr. Maier

Mr. Sánchez Madariaga

Substitutes:

Mr. Mehta
Mr. Sudono

Mr. Svenningsen

Committee on Discrimination

Government group:

Angola
Canada
Cuba
France

India
USSR
United States

Substitutes:

Denmark
Ethiopia

German Democratic
Republic

Employers' group

Mr. Appadurai
Mr. Chambers
Miss Hak
Mr. Owuor

Mr. Sumbwe
Mr. Verschueren
Mr. Villalobos

Substitutes:

Mr. Georget
Mr. Moukoko Kingue

Mr. Oechslin

Workers' group:

Mr. Barnabo
Mr. Blondel

Mrs. Carr
Mr. Cuevas

Substitutes:

Mr. Abondo
Mr. Dolan
Mr. Issifu

Mr. Maier
Mr. Zimba

Committee on Multinational Enterprises

Government group:

Australia
India
Italy

USSR
United States
Venezuela

Substitutes:

Algeria
Colombia

German Democratic
Republic
Madagascar

Employers' group:

Mr. Flunder
Mr. Grove
Miss Hak

Mr. Nasr
Mr. Owuor
Mr. Yllanes Ramos

Substitutes:

Mr. Decosterd
Mr. Deschamps
Mr. Escobar Padrón

Mr. Lindner
Mr. Periquet
Mr. Said

Workers' group:

Mr. Brown
Mr. Lloyd
Mr. Maier

Mr. Mashasi
Mr. Mehta
Mr. Sánchez Madariaga

Substitutes:

Mr. Briki
Mrs. Carr
Mr. Cuevas

Mr. Dolan
Mr. Prokhorov
Mr. Zimba

Board of the International Institute for Labour Studies

The Governing Body appointed the following of its members as members of the Board of the International Institute for Labour Studies for a period of three years:

Government group: Barbados
USSR

Substitute: Federal Republic of Germany

Employers' group: Mr. Nasr
Mr. Oechslin

Substitutes: Mr. Escobar Padrón
Mr. Georget
Mr. Moukoko Kingue
Mr. Owuor
Mr. Said
Mrs. Sasso-Mazzufferi
Mr. Sumbwe
Mr. Yoshino

Workers' group: Mr. Briki
Mr. David

Substitutes: Mr. Maier
Mr. Mashasi
Mr. Sow
Mr. Sudono
Mr. Walcott

*Board of the International Centre for Advanced Technical and Vocational Training
(Turin)*

The Governing Body appointed the following of its members as members of the Board of the International Centre for Advanced Technical and Vocational Training for a period of three years:

Government group:

Algeria	India
Brazil	Japan
Canada	Kenya
Egypt	Nigeria
France	Philippines
Federal Republic of Germany	Venezuela

Substitutes:

Bahrain	Mexico
Bangladesh	Zimbabwe
Indonesia	

Employers' group:

Mr. Chambers	Mrs. Sasso-Mazzufferi
Mr. Georget	Mr. Sumbwe
Mr. Periquet	Mr. Villalobos

Substitutes:

Mr. von Holten	Mr. Said
Mr. Moukoko Kingue	Mr. Verschueren
Mr. Munga-wa-Nyasa	Mr. Yllanes Ramos
Mr. Oechslin	

Workers' group:

Mr. Ben-Israel	Mr. Sow
Mr. Cuevas	Mr. Vanni
Mr. Mendoza	Mr. Zimba

Substitutes:

Mr. David	Mr. Tanaka
Mr. Lloyd	Mr. Timmer
Mr. Mehta	

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS¹

Meetings

Second Tripartite Technical Meeting for the Printing and Allied Trades: invitation of an additional non-governmental international organisation

The Governing Body authorised the Director-General to *invite* the International Master Printers Association to be represented by an observer at the Second Tripartite Technical Meeting for the Printing and Allied Trades.

¹ The titles and functions of the persons appointed are given in full in the documents submitted to the Governing Body.

Meeting of Experts on the Safe Use of Asbestos

The following *nominations* were approved:

Nominations made after consulting the Employers' group:

Mr. Miguel Antonio Guerra (Dominican Republic); Mr. Daniel Bouige (France); Mr. Emilio Costa (Italy); Dr. Farid Mansour (Lebanon); Mr. Paul Cotin (United States); Dr. S. S. K. Mundia (Zambia).

Nominations made after consulting the Workers' group

Dr. Eltjo Buring (Netherlands); Mr. J. Hamilton (United Kingdom); Mr. Reinhold Konstanty (Federal Republic of Germany); Mr. Jean Gerin Lajoie (Canada); Mr. Frank Mirer (United States); Mr. A. Zverev (USSR). *Substitute:* Dr. Alf Fischbein (United States).

The Governing Body further authorised its Officers to approve the six *nominations* to be made after consultations with governments.

Meeting of Experts on Social Security Financing

The following *nominations* were approved:

Nominations made after consulting the Workers' group

Mr. Gerhard Bäcker (Federal Republic of Germany); Mr. Kevin Collins (Canada); Mr. Juri Koudriavtsev (USSR); Mr. Trevor Mawer (United Kingdom); Mr. Bert Seidman (United States). *Substitutes:* Mr. Nico Gans (Netherlands); Mr. Preben Nielsen (Denmark).

Meeting of Experts on Occupational Safety and Health in the Iron and Steel Industry

The Governing Body decided to increase the *number of participants* on each of the three sides from four to five. It approved the following *nominations*:

Nominations made after consultations with governments:

Mr. S. Cherif (Algeria); Mr. Thomas H. Seymour (United States); Mr. A. Westlin (Sweden).

Nominations made after consulting the Workers' group:

Mr. Ken Clarke (United Kingdom); Mr. K. H. Laubrecht (Federal Republic of Germany); Mr. Stig Marklund (Sweden); Mr. Michael Wright (United States). *Substitute:* Mr. Germain Duhin (Belgium).

The Officers of the Governing Body were authorised to approve the nominations still outstanding.

Tripartite Advisory Meeting on the Evaluation of the International Programme for the Improvement of Working Conditions and Environment (PIACT)

The following *agenda* was approved for the meeting: to review activities during the first phase (1976–81) of the International Programme for the Improvement of Working Conditions and Environment (PIACT), and make proposals for the future orientation of the programme.

The Governing Body noted that the seven governments being consulted for *nominations* were the following: Brazil, Finland, Kuwait, Philippines, Senegal, USSR and United States.

REPORT OF THE DIRECTOR-GENERAL

Appointment of Professor Roberto Ago as Chairman of the Committee on Freedom of Association

The mandate of Professor Ago was extended as Chairman of the Committee on Freedom of Association until the expiry of the term of office of the present Governing Body (1984).

Invitation of a Non-governmental Organisation to Be Represented at the Meeting of Experts on Occupational Safety and Health in the Iron and Steel Industry

The Director-General was authorised to invite the International Metalworkers' Federation to be represented at the Meeting of Experts on Occupational Safety and Health in the Iron and Steel Industry.

Report of the Officers of the Governing Body on a complaint concerning the observance by the Dominican Republic of the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by Mr. Cecil Rodgers, Workers' delegate of Suriname at the 67th Session of the International Labour Conference

The Governing Body took the following procedural decisions for examination of the complaint:

- (a) the Government of the Dominican Republic, as the Government against which the complaint has been filed, should be requested by the Director-General to communicate its observations so as to reach him not later than 15 September 1981;
- (b) in accordance with paragraph 5 of article 26 of the Constitution, the Governing Body should invite the Government of the Dominican Republic to send a representative to take part in the proceedings of the Governing Body at subsequent sessions at which the matter is under consideration; in conveying this invitation to the Government of the Dominican Republic, the Director-General should inform it that the Governing Body proposes to consider the matter at its 218th Session, which will be held in Geneva in November 1981;
- (c) the Governing Body should at its 218th Session consider, in the light of the complaint received and the information which may be furnished by the Government of the Dominican Republic, the further action to be taken on the complaint.

Report of the Officers of the Governing Body on a Complaint concerning the Observance by Haiti of the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Made by Several Workers' Delegates to the 67th Session of the International Labour Conference

The Governing Body took the following procedural decisions for the examination of the complaint:

- (a) the Government of Haiti, as the Government against which the complaint has been filed, should be requested by the Director-General to communicate its observations on the complaint so as to reach him not later than 15 September 1981;

- (b) in accordance with paragraph 5 of article 26 of the Constitution, the Governing Body should invite the Government of Haiti to send a representative to take part in the proceedings of the Governing Body at subsequent sessions at which the matter is under consideration; in conveying this invitation to the Government of Haiti, the Director-General should inform it that the Governing Body proposes to consider the matter at its 218th Session, which will be held in Geneva in November 1981;
- (c) the Governing Body should at its 218th Session consider, in the light of the complaint and of any information which may have been furnished by the Government of Haiti, the further action to be taken on the complaint.

QUESTIONS ARISING OUT OF THE 67TH SESSION OF THE CONFERENCE

Procedure for the Further Consideration of Questions of Structure

The Governing Body decided, in accordance with Article 10, paragraph 1, of its Standing Orders, to consider at its 218th Session (November 1981) what questions to include in the agenda of the 68th Session of the Conference to enable the latter to make the amendments to the Constitution needed to give effect to the agreements reached on all the questions of structure falling within the terms of reference of the Working Party on Structure.

The Governing Body appointed the following of its members to the Working Party on Structure:

Government members:

France
Italy
Japan

Nigeria
USSR
Venezuela

Substitutes:

Argentina
Canada
German Democratic Republic
Iran

Mozambique
United Kingdom
United States

Employer members:

Mr. Oechslin. *Substitute:* Mr. von Holten
Mr. Tata. *Substitute:* Mr. Nasr
Mr. Yllanes Ramos. *Substitute:* Miss Hak

Worker members:

Mr. Mehta
Mr. Muhr

Mr. Prokhorov

Substitutes:

Mr. Ahmed
Mr. Maier

Mr. Sánchez Madariaga

The Working Party on Structure will meet in Geneva from 2 to 7 November 1981, it being understood that any decision concerning further meetings of the Working Party will be taken in the light of the results achieved by the latter at that meeting.

PROGRAMME OF MEETINGS

The Governing Body approved the following programme of meetings for the remainder of 1981 and for 1982 and 1983:

Date	Title of meeting	Place
1981		
15–21 September	Joint ILO/WHO Committee on Health of Seafarers (Sixth Session)	Geneva
22 September– 1 October	Second Tripartite Technical Meeting for the Printing and Allied Trades	„
5–14 October	Meeting of Experts on the Safe Use of Asbestos	„
13–22 October	Iron and Steel Committee (Tenth Session)	„
27 October– 4 November	Joint Meeting on Conditions of Work of Teachers	„
2–7 November	Working Party on Structure	„
9–20 November	218th Session of the Governing Body and its Committees	„
30 November– 3 December	Meeting of Experts on Social Security Financing	„
30 November– 9 December	Meeting of Experts on Occupational Safety and Health in the Iron and Steel Industry	„
1–10 December	Third Tripartite Technical Meeting for the Timber Industry	„
1982		
February	Tripartite Advisory Meeting on PIACT Evaluation	„
15 February– 5 March	219th Session of the Governing Body and its Committees	„
11–24 March	Committee of Experts on the Application of Conventions and Recommendations	„
20–29 April	Coal Mines Committee (Eleventh Session)	„
24–29 May and immediately after the Conference	220th Session of the Governing Body and its Committees	„
2–23 June	68th Session of the International Labour Conference	„
21–30 September	Chemical Industries Committee (Ninth Session)	„
September or last quarter	Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (Fourth Session)	— ¹
18–29 October	Thirteenth International Conference of Labour Statisticians	Geneva
8–19 November	221st Session of the Governing Body and its Committees	„
November	Inter-American Advisory Committee (Sixth Session) ²	„
7–16 December	Committee on Work on Plantations (Eighth Session)	„
— ¹	Meeting of Experts on Investment of Social Security Funds in Developing Countries	„
— ¹	Meeting of Government Experts on Social Security Protection of Boatmen in Europe	„
1983		
14 February– 4 March	222nd Session of the Governing Body and its Committees	„
March	Committee of Experts on the Application of Conventions and Recommendations	„
March, April or May	Joint Committee on the Public Service (Third Session)	„
12–21 April	Building, Civil Engineering and Public Works Committee (Tenth Session)	„
23–28 May and immediately after the Conference	223rd Session of the Governing Body and its Committees	„

¹ To be proposed later.

² In conjunction with the 221st Session of the Governing Body.

Date	Title of meeting	Place
1–22 June ¹	69th Session of the International Labour Conference	„
20–29 September	Metal Trades Committee (Eleventh Session)	„
7–18 November	224th Session of the Governing Body and its Committees	„
6–15 December	Third Tripartite Technical Meeting for Hotels, Restaurants and Similar Establishments	„
In conjunction with a Governing Body session ²	Asian Advisory Committee (Eighteenth Session)	„
— ²	Sixth African Regional Conference	— ²
— ²	Advisory Committee on Rural Development (Tenth Session)	Geneva
— ²	Meeting of Experts on Training Needs Assessment	— ²
— ²	Meeting of Experts on Policies for the Establishment of Occupational Exposure Limits to Chemical Substances in the Working Environment	— ²
— ²	Meeting of Experts on New Forms of Pay Systems and Productivity	Geneva
— ²	Meeting of Experts on Automation, Work Organisation, Work Intensity and Occupational Stress	„

¹ To be confirmed by the Governing Body at its 218th Session (November 1981). ² To be proposed later.

The Governing Body took note of the list of forthcoming symposia, seminars and similar meetings.

APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

The Governing Body appointed the following delegation to represent it at the following meetings:

Second Tripartite Technical Meeting for the Printing and Allied Trades (Geneva, 22 September–1 October 1981):

Government group: Mr. Woolgar (United Kingdom)

Employers' group: Mr. Appadurai. *Substitute:* Mr. Verschueren

Workers' group: Mr. Mendoza,

it being understood that the Government member of the delegation would be the Chairman of the meeting.

Tenth Session of the Iron and Steel Committee (Geneva, 13–22 October 1981):

Government group: Mr. Watchorn (Australia).

Employers' group: Miss Hak. *Substitute:* Mrs. Sasso-Mazzufferi

Workers' group: Mr. Muhr,

it being understood that the Government member of the delegation would be Chairman of the meeting.

Joint Meeting of Conditions of Work of Teachers (Geneva, 27 October–4 November 1981):

Government group: Mr. Charry Samper (Colombia)

Employers' group: Mr. Verschueren. *Substitute:* Mr. Chambers

Workers' group: Mr. Svenningsen

Third Tripartite Technical Meeting for the Timber Industry (Geneva, 1–10 December 1981):

Government group: Mr. Armstrong (Canada)

Employers' group: Mr. Rowe. *Substitute:* Mr. Kouadio

Workers' group: Mr. Abondo,

it being understood that the Government member of the delegation would be Chairman of the meeting.

*
* *

Freedom of Association in Morocco

The Governing Body took note of the action already taken and that projected by the Director-General consequent on the alleged violations of freedom of association in Morocco, and the complaint lodged in the matter with the Committee on Freedom of Association.

Major Advisory and Other Meetings Held

The following meetings took place during the period covered by the present issue of the *Official Bulletin*. In addition to the sources of fuller information indicated by footnote, limited quantities of reports and preparatory documents relating to meetings may be purchased from ILO Publications, International Labour Office, CH-1211 Geneva 22.

Second Tripartite Technical Meeting for the Clothing Industry

(Geneva, 23 September–2 October 1980)

Agenda:

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted by the first Tripartite Technical Meeting for the Clothing Industry (1964);
 - (b) steps taken by the Office to carry out the studies and inquiries proposed by the first Tripartite Technical Meeting for the Clothing Industry, and other activities of the International Labour Organisation in the field of the clothing industry;
 - (c) recent events and developments in the clothing industry.
2. Contract labour in the clothing industry.
3. The employment effects in the clothing industry of changes in international trade.

*Texts adopted:*¹

- Conclusions (No. 7) concerning contract labour in the clothing industry.
- Conclusions (No. 8) concerning the employment effects in the clothing industry of changes in international trade.
- Resolution (No. 9) concerning the future programme of the ILO in the field of the clothing industry.
- Resolution (No. 10) concerning multinational enterprises in the clothing industry.
- Resolution (No. 11) concerning trade union rights and the right to bargain collectively in the clothing industry.
- Resolution (No. 12) concerning statistical data for the clothing industry.
- Resolution (No. 13) concerning working mothers employed in the clothing industry.
- Resolution (No. 14) concerning child labour.
- Resolution (No. 15) concerning employment and working conditions in the clothing industry.
- Resolution (No. 16) concerning working conditions and the observance of ILO standards.
- Resolution (No. 17) concerning the protection of health of workers against the effects of the various substances and chemical materials used in the clothing industry.

¹ The texts will be published in a subsequent number of the *Official Bulletin*.

Meeting of Experts to Draw up a Code of Practice on Safety and Health in the Construction of Fixed Offshore Drilling Installations in the Petroleum Industry
(Geneva, 1–10 December 1980)

The Experts adopted the Code of Practice on Safety and Health in the Construction of Fixed Offshore Installations in the Petroleum Industry whose forthcoming publication had been approved by the Governing Body of the ILO.

Tripartite Working Group on Appropriate Technology
(Geneva, 15–19 December 1980)

Agenda:

- (a) Review of ILO activities in the field of appropriate technology, with emphasis on the links between appropriate technology and employment, working conditions, income distribution and training;
- (b) the role of employers and workers in promoting the choice and application of appropriate technology; and
- (c) the role of the ILO in implementing the Vienna Programme of Action on Science and Technology for Development.

Advisory Committee on Salaried Employees and Professional Workers
(Eighth Session, Geneva, 13–22 January 1981)

Agenda:

1. General Report, dealing particularly with—
 - (a) action taken in the various countries in the light of the conclusions and resolutions adopted at previous sessions of the Advisory Committee;
 - (b) steps taken by the Office to carry out the studies and inquiries proposed by the Advisory Committee, and other activities of the International Labour Organisation concerning salaried employees and professional workers;
 - (c) recent events and developments affecting salaried employees and professional workers.
2. The effects of technological and structural changes on the employment and working conditions of non-manual workers with special reference to the improvement of working conditions and in particular occupational safety and health and ergonomics.
3. Problems of women non-manual workers: work organisation, vocational training, equality of treatment at the workplace, job opportunities.

Texts adopted: See pages 223–237 below.

African Advisory Committee
(Seventh Session, Libreville, 27 January–4 February 1981)

Agenda:

1. Review and evaluation of ILO activities in Africa (including an examination of activities proposed for Africa in the Medium-term Plan, 1982–87).
2. Ratification and implementation of ILO standards in Africa.
3. Examination of proposals for the agenda of the Sixth African Regional Conference:
 - (a) Conditions of work and the working environment;

- (b) Women's work in Africa;
- (c) Application of the Declaration of Principles and Programme of Action of the World Employment Conference;
- (d) Investment of social security funds in Africa;
- (e) Labour-management relations at the level of the undertaking in Africa.

The Committee reached a number of conclusions on the first two items on its agenda and decided on the proposed agenda of the Sixth African Regional Conference.

Joint ILO/WHO Committee on Occupational Health (*Eighth Session, Geneva, 2–9 March 1981*)

Agenda:

1. Education and training in occupational health, safety and ergonomics:
 - (a) policies in education and training;
 - (b) assessment of needs in various categories of specialised personnel;
 - (c) determination of education and training objectives;
 - (d) methodology and programmes.
2. Review of past, present and future activities of the ILO and WHO in the field of occupational health and safety.

Committee of Experts on the Application of Conventions and Recommendations (*51st Session, Geneva, 12–25 March 1981*)

Under its terms of reference the Committee examined the reports and information supplied by States Members of the International Labour Organisation in accordance with articles 19, 22 and 35 of the Constitution. The Committee then adopted a report in two volumes for submission to the 67th (1981) Session of the International Labour Conference.¹

Joint IMCO/ILO Committee on Training (*Sixth Session, Geneva, 16–20 March 1981*)

Agenda:

1. Election of Chairman and Vice-Chairmen.
2. Adoption of the agenda.
3. Consideration of the draft IMCO Assembly Resolution on Principles of Safe Manning.
4. Document for Guidance, 1975, as amended.
5. Any other business.

Meeting of Experts on Household Surveys (*Geneva, 6–10 April 1981*)

The terms of reference for the Meeting were “to review questions relating to the updating and revision of definitions, classifications, coverage and nature of statistics of labour force, employment and unemployment”.

¹ ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 4 A: *General Report and Observations concerning Particular Countries*; Part 4 B: *General Survey of the Reports relating to Convention No. 138 and Recommendation No. 146 concerning Minimum Age*), International Labour Conference, 67th Session, 1981.

**Meeting of Experts on the Relationship between Hours of Work and Shop and Bank
Opening Hours**
(Geneva, 4–8 May 1981)

The agenda was as follows: “Problems arising out of the relationship between hours of work and opening hours in shops and banks”.

Official Measures Taken regarding Decisions of the International Labour Conference* ¹

Ratifications and Denunciation of International Labour Conventions and Declarations concerning the Application of Conventions to Non-Metropolitan Territories

Notice is hereby given that the Director-General of the International Labour Office has registered the undermentioned ratifications and denunciation of international labour Conventions and declarations concerning the application of Conventions to non-metropolitan territories. In pursuance of article 20 of the Constitution of the International Labour Organisation, particulars of these ratifications, denunciation and declarations have been communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

State	Convention	Date of registration of ratification/denunciation/declaration	Date on which ratification/denunciation/declaration will take effect
I. Ratifications			
Costa Rica	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	29 July 1981	29 July 1982
Greece	Food and Catering (Ships' Crews) Convention, 1946 (No. 68)	28 August 1981	28 February 1982
	Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)	"	28 August 1982
	Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)	"	"
	Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	"	"
	Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)	"	"
	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	"	"

Italy	Holidays with Pay Convention (Revised), 1970 (No. 132)	28 July 1981	28 July 1982
	<i>Pursuant to Article 3, paragraph 2, of the Convention, the minimum length of the holiday specified is three weeks. In accordance with Article 15, paragraph 2, of the Convention, the obligations of the Convention have been accepted both in respect of employed persons in economic sectors other than agriculture and in respect of employed persons in agriculture.</i>		
	Minimum Age Convention, 1973 (No. 138)	28 July 1981	28 July 1982
	<i>The minimum age of 15 years has been specified pursuant to Article 2, paragraph 1, of the Convention.</i>		
Netherlands	Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)	28 July 1981	28 July 1982
	<i>Pursuant to Article 3, paragraph 2, of the Convention, the length of the annual leave specified is 30 days.</i>		
	Maternity Protection Convention (Revised), 1952 (No. 103)	18 September 1981	18 September 1982
	Labour Administration Convention, 1978 (No. 150)	29 September 1981	29 September 1982
Suriname	Labour Relations (Public Service) Convention, 1978 (No. 151)	„	„

II. Denunciation

Somalia²	Recruiting of Indigenous Workers Convention, 1936 (No. 50)	15 September 1981 ³	15 September 1982
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III. Declarations

United Kingdom	Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)		
	<i>Applicable without modification:</i> Bermuda	27 August 1981	Twelve months after ratification by 12 Members meeting the requirements laid down in Article 15, paragraph 2, of the Convention.
	<i>Decision reserved:</i> Montserrat	27 August 1981	—
	<i>Decision reserved:</i> Belize	17 September 1981	—
	Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)		

* Notes are given at the end of the table.

State	Convention	Date of registration of ratification/denunciation/ declaration	Date on which ratification/ denunciation/declaration will take effect
United Kingdom (cont.)	<i>Decision reserved:</i> Belize, Bermuda, British Virgin Islands, Falkland Islands (Malvinas)	27 August 1981	—
	<i>Decision reserved:</i> Anguilla, St. Kitts-Nevis	17 September 1981	—

¹ Period covered: 15 July 1981 to 30 September 1981.

² The Government provided the following explanations for its decision to denounce this Convention:

... This Convention was ratified by the British Government during the period of its protectorate of the Northern Regions of our country known as "Former British Somaliland". Its provisions apply only to workers belonging to or assimilated to the indigenous population of a dependent territory of a member State of the Organisation. Somalia being an independent State, the terms and provisions of this Convention are no longer applicable in our country.

³ The Director-General registered, on 15 September 1981, the denunciation by Somalia of the Recruiting of Indigenous Workers Convention, 1936 (No. 50). This Convention was open to denunciation between 8 September 1979 and 7 September 1980, and the denunciation was addressed to the Director-General of the International Labour Office by a letter dated 15 September 1979 which, however, was not received at that time. The Government of Somalia, having learnt that the denunciation of the Convention had not been registered, on 22 August 1981 despatched a signed copy of the letter of denunciation of 15 September 1979, which was received on 15 September 1981.

DOCUMENTS

Joint Maritime Commission

(23rd Session, Geneva, 16–24 October 1980)

RESOLUTIONS ADOPTED

Resolution on Employment Conditions of Seafarers Serving in Ships Flying Flags Other than Those of Their Own Country

The 23rd Session of the Joint Maritime Commission, held in Geneva from 16 to 24 October 1980,

Having received the report of the International Labour Office concerning employment conditions of seafarers serving in ships flying flags other than those of their own country,

Noting that the response to the questionnaire issued by the Office to member States requesting information on national law and practice regarding the employment of foreign seafarers in national flag ships only permitted a very limited comparison between the actual on-the-job employment conditions of foreigners and flag state nationals respectively and that it has also not been possible to identify in detail areas in which foreign seafarers' conditions are inferior to those generally accepted in the country whose flag the ship is flying,

Noting further with regret that some countries which employ large numbers of foreign seafarers in their flag ships did not reply to the Office questionnaire and that consequently the Joint Maritime Commission was unable to discuss the employment standards applicable to those seafarers,

Noting also that on the basis of this very limited comparison foreign seafarers from developing nations recruited internationally under arrangements covering full or partial crews of ratings appear generally to enjoy less favourable conditions than nationals;

Noting further that Article 4 of the Placing of Seamen Convention, 1920 (No. 9), envisages the recruitment of seafarers either jointly by representative associations of shipowners and seafarers or by the State itself and that Article 2 of the same Convention prohibits the business of finding employment for seafarers for pecuniary gain,

Noting further that different limitations and special conditions apply in countries where the engagement of foreigners is permitted, including quotas on the proportion of a ship's crew that may consist of foreigners, language knowledge requirements, evidence of vocational training and qualifications and/or previous experience;

Requests the Governing Body of the International Labour Office:

1. to urge those member States which have not done so to reply to the Office questionnaire as soon as possible in order that more complete information may be submitted for consideration by the next Maritime Session of the International Labour Conference;

2. in regard to seafarers of all nationalities serving on all ships, including ships flying flags other than those of their own country, to urge member States now and at all times in the future to ensure the application of Convention No. 147 and the operative parts of Recommendation No. 155;

3. to request the Director-General to have the International Labour Office undertake a survey of the extent to which the provisions of Convention No. 9 are observed throughout the world, with a view to determining whether any more effective action by the ILO is necessary, and to report back to the Joint Maritime Commission;

4. to ask the Director-General of the International Labour Office to prepare a report on the question of employment conditions of seafarers serving in ships flying flags other than those of their own country for submission to the next Maritime Session of the International Labour Conference which takes account of the information contained in the report on this subject submitted to the 23rd Session of the Joint Maritime Commission, together with any other pertinent information which would assist the Conference in its consideration of this question, including the results of the above-mentioned survey.

Resolution on an International Seafarers' Code

The 23rd Session of the Joint Maritime Commission, held in Geneva from 16 to 24 October 1980,

Noting the ILO Report on an International Seafarers' Code, submitted to that session,

Recalling the resolution adopted by the 62nd (Maritime) Session of the International Labour Conference, calling for a systematic compilation of those international labour Conventions and Recommendations relating to seafarers which have been adopted by the ILO and which represent up-to-date standards for attainment by national legislation or collective agreement or practice,

Considering that it would be useful to make available to governments, employees, employers, and to the public, a compilation of those instruments which have been adopted by Maritime Sessions of the International Labour Conference and also those general instruments referred to in Convention No. 147 and Recommendation No. 155, together with an indication that a number of other ILO instruments of general scope, particularly in the fields of human rights, occupational safety and health, and social security, apply also to seafarers;

Urges the Governing Body to authorise and arrange for the early publication of such a compilation, on the basis of the ILO report as amended in the light of editorial comments to be submitted by the Seafarers' and Shipowners' groups.

Resolution on the Minimum Basic Wage of Able Seamen

The 23rd Session of the Joint Maritime Commission, held in Geneva from 16 to 24 October 1980,

Having received the report of the ILO on the minimum basic wage of able seamen,

Recalling that the 55th (Maritime) Session of the International Labour Conference in 1970 adopted a resolution which, *inter alia*, urged the Governing Body of the International Labour Office to invite the Joint Maritime Commission, at its next and each subsequent session, to review the question of the minimum basic wage of an able seaman contained in Recommendation No. 109, and to embody in a resolution the figures it considers at that time to be the equivalent of the wage figures contained in the Recommendation, having regard solely to the fall in the value of money, and that the Governing Body subsequently approved this resolution,

Noting the conclusion of the Joint Maritime Commission which was convened during the 62nd (Maritime) Session of the International Labour Conference that the figures of pounds sterling 78 and US\$187 could be regarded as the equivalent in 1976 of the wage figures contained in the Recommendation,

Noting further that the value of money has continued to fall since 1976, and concluding that the figures of pounds sterling 115 and US\$276 can be regarded as the present equivalent of the wage figures contained in the Recommendation;

Urges that, in giving effect to the Recommendation, Members should apply, in substitution for the wage figures contained therein, the figures of pounds sterling 115 or US\$276.

Resolution on Seafarers' Welfare

The 23rd Session of the Joint Maritime Commission, held in Geneva from 16 to 24 October 1980,

Noting the report of the Fourth Session of its Tripartite Subcommittee on Seafarers' Welfare, held from 9 to 13 October 1980,

Recalling the resolution adopted by the 62nd (Maritime) Session of the International Labour Conference on this subject;

1. Urges the Governing Body to arrange that, for the period until the next Maritime Session, the ILO should act as a clearing-house for the exchange of information on seafarers' welfare, and to instruct the Director-General to provide the necessary secretarial services to the International Committee on Seafarers' Welfare.

2. Urges the Governing Body to promote the wider application, and more effective implementation, of Convention No. 108, in order to achieve a greater uniformity and better level of treatment of seafarers in transit, and particularly to obviate the need for seafarers in possession of a valid seafarer's identity card to carry a passport with visa.

3. Urges the Governing Body to instruct the Director-General to liaise as appropriate with IMCO and the Customs Co-operation Council on the matters relating to facilitation of customs formalities with a view to the adoption of improved international standards on the subject.

4. Urges the Governing Body to place on the agenda of the next Maritime Session of the International Labour Conference an item entitled "Seafarers' welfare at sea and in port" with a view to the adoption of an instrument or instruments in the form of a Convention and/or a Recommendation, it being understood that it would be for the Conference itself to decide which of the following matters might more appropriately be dealt with under the respective instruments adopted:

- (a) Organisation and financing of seafarers' welfare activities, including:
 - regular reviews,
 - tripartite welfare boards;
- (b) co-operation between governments and other relevant parties regarding welfare facilities and arrangements;
- (c) availability of welfare facilities to all seafarers without discrimination;
- (d) dissemination of information to seafarers concerning welfare and other relevant facilities available in particular ports;
- (e) provision of adequate accommodation facilities in ports, where necessary, including the possibility of accommodating seafarers' families;
- (f) dissemination of information to seafarers concerning any dangers or diseases prevalent in ports, and availability of proper medical and dental treatment for seafarers in need of it;
- (g) provision of welfare and recreational facilities in port without discrimination, including:
 - meeting/recreation rooms, as required,
 - facilities for sports and other outdoor activities, including competitions,
 - educational facilities,
 - personal counselling and respect for religious beliefs and practices where appropriate;
- (h) provision of welfare and recreational facilities on board ship, including:
 - circulation of welfare material and mail,
 - film projection, television, etc., and educational facilities and materials,
 - availability of ship-to-shore communications;
- (i) safety of the individual within the dock area and transport facilities between port and urban centres;
- (j) facilities for savings and remittance of wages;
- (k) instruction for seafarers in the organisation of welfare activities on board ship;
- (l) welfare of seafarers stranded in foreign ports.

Resolution on Collection of Statistical Data concerning Loss of Life of Seafarers

The 23rd Session of the Joint Maritime Commission, held in Geneva from 16 to 24 October 1980,

Noting that whilst marine casualty data are available on a world-wide basis there is a lack of statistical information at international and in many cases national level concerning the number of seafarers' lives lost as a result of marine casualties and accidents and diseases,

Noting also that in Article 2 of the Prevention of Accidents (Seafarers) Convention 1970, No. 134, ratifying member States are required to ensure that their competent authorities take the necessary steps to see that occupational accidents are reported, investigated, recorded and analysed and that the statistics are not limited to fatalities or accidents involving the ship,

Noting further that only 15 countries have ratified the Convention,

Considering that such information could be useful for both sides of the industry as well as governments for the purpose of analysing the causes of any fatal accidents and illness among seafarers and the reduction of casualties;

Therefore requests the Governing Body of the International Labour Office to undertake a study in consultation with Seafarers' and Shipowners' groups of the Joint Maritime Commission with a view to securing meaningful statistics concerning seafarers' fatal accidents and illnesses and report back to the next Joint Maritime Commission.

Resolution on the Increase in the Membership of the Joint Maritime Commission

The 23rd Session of the Joint Maritime Commission, held in Geneva from 16 to 24 October 1980,

Noting that the pattern of shipping has undergone many changes in recent years and that as a result a number of developing nations have established their own fleets,

Noting also that the membership of the International Labour Organisation has increased considerably during the same period,

Noting further that in some of these areas independent organisations of seafarers and shipowners have been established,

Considering that the composition of the Joint Maritime Commission needs to constitute a fair reflection of important interests of both sides of the world-wide shipping industry and that due cognisance should be taken of the aforementioned developments;

Requests therefore that the Governing Body of the International Labour Office decide that the number of regular members of the Joint Maritime Commission shall be increased from 36 (with ten deputy members) to 40 (with eight deputy members), 20 (with four deputy members) of whom shall be selected by the Shipowner delegates and 20 (with four deputy members) by the Seafarer delegates at the Maritime Session of the International Labour Conference.

Ninth Asian Regional Conference

(Manila, 2-11 December 1980)

CONCLUSIONS AND RESOLUTIONS ADOPTED

I. CONCLUSIONS ON THE TECHNICAL ITEMS ON THE AGENDA OF THE CONFERENCE

Conclusions concerning Freedom of Association, Labour Relations and Development in Asia

General Principles

1. In their search for new and effective approaches to national development, most Asian countries are at present engaged in the reconsideration and revision of their labour relations systems. The relevance of labour relations to development is, in fact, increasingly recognised. A constructive relationship between workers and employers, between workers' organisations and employers' organisations, and between these organisations and the public authorities is of fundamental importance for the formulation and implementation of development policies, the organisation of the production process at the plant and industry levels and the equitable distribution of income. On the other hand, the absence of constructive relations between the three parties may jeopardise efforts aimed at the promotion of social and economic development.

2. Progress in national development efforts depends on the support of workers' and employers' organisations, which again is dependent on their effective participation in the labour relations system. A prerequisite of such participation is the establishment and expansion of strong, representative and independent organisations based on the respect of the principles of freedom of association. Governments should therefore give serious consideration to the ratification and effective implementation of ILO Conventions on freedom of association. The existence of restrictions on the rights of workers' and employers' organisations is likely to constitute a serious obstacle to the adoption by workers and employers and their organisations of a constructive attitude towards the development efforts of the governments. Such an attitude is a fundamental element in any labour relations system and should be geared to the shaping of an agreed approach to development policies and their implementation.

3. The adjustment of labour relations patterns to development requirements should not impinge on freedom of association, the right to organise and the right to bargain collectively. Within the framework of this general principle, each country is expected to develop its own system of labour relations, which will have to strike the optimum balance between apparently diverging needs arising in the process of development, such as in the areas of employment creation and a fairer income distribution. The best way of achieving this is by effective communication, bipartite and tripartite negotiation and consultation between trade unions, employers' organisations and the government, at various levels, and through effective dispute settlement procedures, in particular conciliation and arbitration procedures. Arbitration procedures should not only be impartial and independent but should also be established in such a manner as to ensure the confidence of the parties involved. National labour relations policy may include voluntary guidelines for the promotion of constructive relations between workers' and employers' organisations and the government, agreed upon between the parties, and which would take into account the particular social and economic conditions prevailing in each country, the patterns of behaviour and the cultural traditions.

Role of the ILO

4. In the efforts of Asian governments, employers' organisations and workers' organisations to work out systems of labour relations which are conducive to national development and which

respect freedom of association, the ILO has a major role to play. While it is recognised that the policy decisions on the orientation and content of labour relations policy should be left to joint deliberations between the government and the employers' and workers' organisations of each country of Asia and the Pacific, taking into account the specific conditions and circumstances of each country, the ILO can assist in these efforts in a number of ways.

5. In a general way, the ILO should step up its activities in the Asian and Pacific region in the field of freedom of association, labour relations and development and should allocate a larger portion of its resources to this work. It should, in particular, strengthen its regional staff by people who have specialised knowledge and experience with labour relations in the region, particularly as regards labour-management relations at the enterprise level.

6. In pursuing and strengthening its work on the linkages between labour relations and development, the ILO should be guided by the general principles and considerations set out in the first section of these conclusions. In particular, the ILO's future work should concentrate on the following:

Studies

7. The ILO should develop a programme of studies on the labour relations situation in Asia and the Pacific. Such studies, rather than being academic and theoretical in nature, and rather than describing the labour relations legislation of the various countries, should take the form of factual surveys.

8. In order to ensure that these studies are as close as possible to the reality and reflect the views of those directly involved in the labour relations processes, it is indispensable that ILO studies be carried out in close association with the governments and employers' and workers' organisations concerned.

9. It is of great importance that the ILO, in carrying out these studies, make full use of research and other suitable institutions which exist in the region and which have experience in carrying out labour relations surveys. At the same time, the ILO should assist in creating such institutions and should help those already in existence.

10. A strong emphasis should be placed on enterprise surveys both in the public and private sectors. The purpose of such surveys should be to detect and analyse the practical problems arising on a day-to-day basis between employers and workers and their representatives at the enterprise and shop floor level. In carrying out such surveys, the ILO should select, in consultation with the government and employers' and workers' organisations concerned, enterprises which are typical of the situation in the country concerned and not necessarily those which have been particularly successful in setting up labour relations systems based on co-operation between employers and workers. It is important that the ILO studies should be based on discussions with the management and workers in the enterprises concerned.

11. Another area in which the ILO should undertake studies and surveys is collective bargaining and other forms of workers' involvement in decision making at the enterprise and industry level. Here again, emphasis should be placed on what happens in actual fact around bargaining tables or in joint consultation meetings. Such studies should also aim at identifying possible areas of co-operation between management and labour, including forms of and prerequisites for such co-operation.

12. The ILO should also carry out surveys of the way in which conciliation and arbitration bodies function in various countries of the region. The subject of such studies and surveys should be the day-to-day work of individual conciliators, conciliation boards and arbitration bodies, courts and tribunals and industrial relations commissions.

13. In all its studies on these and other aspects of labour relations in the region, the ILO should place particular emphasis on the need to identify the factors which foster as well as those which hamper the development of constructive labour relations, conducive to development.

14. The surveys and studies to be undertaken by the ILO should take account of the specific social, economic and cultural factors of the countries concerned. The studies therefore need to be backed up by analytical research into these various factors which aims at explaining the "why" of various labour relations phenomena in Asian countries by placing the employer-employee relationship within the social and cultural context of Asia and the Pacific. It is expected that such studies will thus re-examine the functioning within the context of each country of the region, and of such labour relations practices as collective bargaining, labour-management consultation, conciliation, arbitration or workers' participation.

15. It is important that governments, employers' organisations and workers' organisations should not only be associated—as stressed above—with the preparation and carrying out of

such studies but that the outcome and results of such studies should be discussed with those directly concerned. The aim of the studies and research should be to promote endeavours to improve labour relations and to assist the parties concerned in better understanding and appreciating the problems in their mutual relationships so that they can jointly try to work out solutions.

Training and promotion of exchanges of views

16. Another important means of action by which the ILO can contribute to the promotion of sound labour relations in Asia and the Pacific is training. In a general way, the ILO should broaden and intensify its training activities for trade unionists, officials of employers' organisations, management representatives in charge of personnel and labour relations matters and government officials who are particularly concerned with the relationships between employers and workers.

17. Such training activities should be conducted through seminars, training courses, workshops and other meetings through the medium of the languages spoken in the region. While it is very important that there should be separate training activities for government, employers' and workers' representatives, including women, it is equally important to arrange for training courses and seminars in which representatives of different interest groups can be brought together so that they can better understand and appreciate the views and aspirations of the other parties. The ILO should, for instance, organise training courses in which it would bring together managers, trade unionists and government industrial relations officers, or shop stewards, line managers and personnel managers, or—more specifically—employers' and workers' representatives in collective bargaining or joint consultation from the same enterprise or industry. The ILO should also extend its training activities in the labour relations field to those who are not directly involved in labour relations but whose role in their countries has a direct bearing on labour relations, such as officials of ministries of industry, finance, economic affairs and the planning agencies, in order to make them better aware of the importance and complexities of labour relations issues.

18. One form of training, to which the ILO should pay particular attention, is the organisation of study tours. Here again study tours should be organised separately and jointly for representatives of trade unions, employers' organisations and governments. While such study tours should primarily provide an opportunity for the participants to become acquainted with the labour relations situation in other countries of the Asian and Pacific region, such study tours should also be organised for participants from the region to other parts of the world so that they can compare their experience with that of countries outside the Asian and Pacific region.

19. Another way by which the ILO could contribute to the improvement of mutual understanding among governments, employers and trade unions is the convening of tripartite meetings in order to facilitate an exchange of views among them on various topical issues of labour relations. Such tripartite meetings should be organised on a regional, subregional or national level. More specifically, the ILO could contribute to the promotion of sound labour relations policies by helping to convene national meetings of labour policy makers in governments, and high-level trade union and employers' representatives, to discuss changes in the country's labour relations policy or industrial relations legislation, whenever such changes are envisaged and the government concerned wishes to hold such meetings for exchanges of views with the help and participation of the ILO or under ILO auspices.

20. In certain Asian and Pacific countries it might be possible to extend, at the request of a particular government, the facilities of the ILO so as to become more directly involved with the promotion of sound labour relations. In a country which might be interested in such an effort and, subject to the agreement of the government as well as of the employers' and workers' organisations concerned, a tripartite—or sometimes perhaps bipartite—meeting could be convened at the economy-wide level or at the level of a particular industry with the technical and moral support and participation of the ILO. At such meetings the ILO would not only provide technical information and serve as a catalyst for the testing of ideas but could, if the parties so request, actively assist in bringing about, with the help of its technical experience and competence, some form of arrangement in which labour relations are linked with national development. Such arrangement could take the form of a code of labour relations practices, basic agreement, agreed guidelines for the conduct of sound labour relations or some other form of mutual co-operation. It would have to be understood that the responsibility for the development and implementation of such arrangement would be with the government and employers' and workers' organisations concerned. The role of the ILO would take the form of assistance, promotion, encouragement and technical servicing. It is understood that the ILO

contribution to such an effort would be in conformity with the general principles developed by the Organisation.

Conclusions concerning Problems of Rural Workers in Asia and the Pacific

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21. The Conference Committee on Rural Workers observed that the ILO, in its Convention No. 141, defines rural workers as any persons engaged in agriculture, handicrafts or related occupations in a rural area, whether as wage earners or as self-employed persons such as tenants, share-croppers or small owner-occupiers—who work the land themselves and who do not permanently or substantially employ workers. The Committee agreed that the majority of the rural workers in the developing countries of Asia are extremely poor and also constitute the great majority of the world's poor. The problems they face are enormous and complex. Vast numbers suffer from malnutrition through inadequate diet. They often lack access to basic services, such as health, education, drinking water and decent shelter. Despite the development efforts over the past three decades, except in a few countries, the numbers of the absolute poor have continued to increase. One of the greatest challenges facing mankind in the last two decades of this century is the eradication of the scourge of poverty, malnutrition, disease and illiteracy.

22. The precise groups suffering from poverty vary from one country to another. The great majority of the rural poor would include landless persons, share-croppers and tenants, small and marginal farmers, wage employees and artisans. Often women constitute the most disadvantaged sections of the rural society. However, even within the Asian region, there are considerable differences in the living standards and problems faced by the rural workers among different countries. In particular, it was pointed out that the situation of rural workers in the Pacific Ocean islands is, in many respects, different from that prevailing in Asian countries. It was agreed that future reports prepared for regional and other meetings should fully reflect the diversity of conditions in the whole region, including the Pacific Ocean islands, Australia, New Zealand and Japan.

Approaches to Rural Development

23. The Committee felt that past efforts at rural development have mostly failed to reduce rural poverty, inequalities in incomes, and unemployment and under-employment. There is now a discernible shift towards strategies which seek simultaneously to accelerate growth, reduce inequalities in incomes and consumption, and promote productive employment and widespread participation in the development process. It was felt that with appropriate macro-policies, evolutionary changes and involvement of the people through their own organisations, it is both feasible and necessary to pursue these multiple objectives. The Committee considered a number of areas in which urgent action is required in order to achieve these objectives. These relate to allocation of resources, employment promotion and population policy. The Committee also discussed and made proposals regarding agrarian reform, organisation and participation of the rural poor, education and training, technology, rural women, rural children, information and research, and the role of the ILO.

24. The Committee agreed that in the past the bulk of the development resources had been directed to urban areas. This has resulted in large rural-urban income differences, and has deprived the rural areas of essential social services and basic infrastructure. This, in turn, has stimulated rural-urban migration on a large scale, depriving the rural areas of young and educated persons while exacerbating the problems of urban slums and poverty. In order to rectify this imbalance, the Committee urged a significant shift of development resources towards rural areas. These resources should be used to provide low-cost, appropriate education and health services and housing facilities to the mass of the rural poor. They should also be devoted to the improvement of rural roads, transportation, electrification and water supplies. In addition, more resources should be allocated to extension services, storage facilities, provision of seeds, fertilizers and credit. For these expanded services to reach the poor people, the Committee felt that a more effective co-ordination of government agencies operating in the field is essential. Equally important is the promotion and strengthening of rural workers' organisations and effective representation of the rural poor in rural institutions, such as co-operatives and local government bodies. The development of rural workers' organisations and their relation with co-operatives are dealt with below.

25. The Committee recognised the vital importance of increasing production, productivity and employment both in agricultural and non-farming activities, such as repairs, manufacturing

and services. Rural works programmes, designed carefully to provide employment opportunities during off-season and concentrated on creation of infrastructure designed to benefit the poorer segments of the rural population, should be an integral part of an over-all rural development policy.

26. The Committee recognised that rapid population growth has contributed to increased pressure on land, fragmentation of holdings and intensification of poverty and unemployment. However, in rural societies, parents often desire larger families to provide them with security in their old age and to increase the number of income earners. Thus the Committee urged that population, education and family health programmes should go hand in hand with provision of social security and of enhanced employment and income-earning opportunities.

Agrarian Reform

27. The Committee recognised the central importance of agrarian reform for the solution of the problems of landlessness, poverty and unemployment. It was felt that in view of the enormous diversity of the agrarian structures in different countries, there could be no simple or single solution to this problem. It is necessary to adapt the reform to each specific situation. At the same time, the process of agrarian reform must be seen in a dynamic perspective, requiring adjustments to emerging problems. It was felt that wide and equitable ownership of land not only contributed to rapid growth of agriculture but was also necessary for social and political democracy. The Committee considered that agrarian reforms should be implemented along the guidelines set out in various ILO declarations, Conventions and Recommendations on the subject. It felt that efforts should be made to achieve fair and stable prices for agricultural products.

28. The Committee felt that past attempts at land reform had sometimes failed because the potential beneficiaries were not directly involved. It therefore urged their full participation in the formulation and implementation of such programmes. In this connection, the Committee stressed the importance of proper registration of ownership and tenancy rights and continuous monitoring in collaboration with rural workers' organisations to ensure that these rights are not subsequently abrogated.

Technology

29. The Committee recognised the vital importance of technology in reducing the drudgery of work, in increasing productivity and diversifying rural activities. However, it felt that too often highly capital-intensive or sophisticated technology borrowed from developed countries without due regard to the local resources and skills resulted in waste of scarce capital and in increasing unemployment. It therefore urged the importance of choosing improved appropriate technology attuned to local resources endowments, skills and ecology. The Committee further stressed the urgency of enhancing the local capacity to absorb, innovate and adapt technology.

Participation and Organisation of Rural Workers

30. Throughout the Committee's deliberations, the importance of effective participation of the rural workers in rural development through their own freely chosen organisations was stressed. It was emphasised that political will for rural development, while it is necessary, is not enough. The best of political will is likely to prove fruitless unless the understanding and support of the mass of the people concerned is secured. This implies that the rural workers must have the opportunity to fully participate in the planning and implementation of the development activity as opposed to merely being mobilised for it. And, as in the industrial sector, it is unrealistic to expect to be able to achieve that participation unless the rural workers are effectively organised in their own representative organisations. Hence political will for rural development must also include a will to ensure that rural workers have both the *de jure* and *de facto* right to organise.

31. The Committee, therefore, urged all governments to ensure that ILO Convention No. 141 is speedily ratified and implemented and the various supporting measures outlined in Recommendation No. 149 adopted. (The Japanese Government delegate reserved the position of his Government on paragraph 31.) Furthermore, the Committee urged that steps be taken to facilitate the organisation of rural workers and their protection by appropriate legislation where it does not already exist.

32. The Committee discussed at length the distinction between rural co-operatives and rural workers' organisations and how the two may relate to each other. It noted that the Report of the

Advisory Committee for Rural Development at its Ninth Session had suggested that the most suitable form of rural workers' organisations were organisations of the "trade union type", defined as "self-organisations of rural workers" which are "democratic, financially self-reliant, free from external patronage, and comprehensive in scope of activity". This suggestion was based on the view that such organisations can do what co-operatives can do but not vice-versa. More specifically, a trade union type organisation can engage in pressure group activities to press for wider rights of rural workers, which co-operatives cannot do. A co-operative, while it can perform some useful service functions for its members, is therefore no substitute for an organisation of rural workers just as it is no substitute for an organisation of industrial workers.

33. The Committee also noted that experience has shown that many rural co-operatives in most countries of this region tend to be dominated by the rural rich and benefit them more, unless the rural poor have their independent organisation from which they derive their strength. This will be automatically achieved if an organisation of the rural poor sets up its own co-operative. Otherwise a structural change in the constitution of rural co-operatives, in order to give institutional representation at the primary level to the rural poor through independent organisations of their own, would be necessary.

34. Subject to the above remarks, the Committee considered that not only consumers' co-operatives but also producers' co-operatives should be beneficial for rural workers who may, through producers' co-operatives, combine individual motivation with co-operation in productive activity for the benefit of all. The over-riding consideration is that rural workers should be free to evolve their own organisations tailored to suit their circumstances.

Education and Training

35. The Committee discussed the need for providing opportunity for relevant education and training to rural workers to enable them to play their full role in rural development. It was felt that education should not be seen merely in terms of formal schooling—emphasis should be given to developing methods of learning from life in which practical activity is combined with analysis. The Committee suggested that village schools may be remodelled along the lines of the "folk high school movement", in which rural youth are given training not only in technical skills but also in leadership in community development work. The village school with the infrastructure at its disposal should in fact be seen and reoriented as a development and community centre where initiatives for rural development might be taken by teachers and students who could facilitate adult education and the organisation of rural workers, while imparting relevant technical know-how.

36. In developing education and training programmes priority should be given to the short-term needs of rural workers and to the need of making village life as attractive as possible. Training should be multi-skill oriented, as a rural worker is often engaged in different occupations at different times of the year or at the same time. This training should not be restricted to agricultural skills but should give sufficient emphasis to skill training in non-farm occupations, such as crafts, agro-based and other rural industries. Training of trainers should receive a special emphasis.

37. The Committee particularly stressed the importance of rural workers' education in the context of the need to develop effective self-reliant organisations of rural workers. Freedom to organise does not guarantee the development of effective organisations because it generally needs to be supplemented by educational activity to assist the members and their elected leaders to acquire the technical know-how for the successful running of the organisation. It is necessary as part of educational activities to ensure that the ordinary members understand and are able to exercise their individual rights and responsibilities; that they know how to participate within their organisation and thus enable it to effectively defend and further their interests. Furthermore, adequate security should be provided to rural workers.

38. Training, likewise, is needed by members and office bearers in the management of co-operatives and other rural organisations. Government officials and representatives of other concerned bodies may need orientation to the conditions of life, problems and aspirations of rural workers so as to enable them to discharge their public and social responsibilities to rural workers.

Rural Women Workers

39. Rural women constitute the most disadvantaged sections of the rural society. They generally occupy low productivity, low income occupations and are grossly overworked. They

are discriminated against in terms of access to education, health and training facilities. There is a need to awaken the consciousness of men to women's problems. Appropriate technology has a role to play in lightening their workload and releasing them for other economic, social and cultural activities.

40. The Committee urged the need for collection of further data and information on the role of women in rural areas. It agreed on the need for analysis of specific issues such as hours of work, occupational activities, division of labour between men and women, employment and incomes. The Committee urged that greater efforts be made to increase rural women's representation among workers' and employers' organisations and that opportunities for rural women be expanded for education, skill acquisition, organisational and leadership training. In addition, rural women's organisations should be promoted and strengthened through appropriate financial and technical assistance to initiate projects for increasing agricultural production, for reducing their workload through improved technology and for enhancing productive employment and income-earning opportunities.

Rural Children

41. The Committee noted the prevalence of child labour in the rural areas of many countries of the region. Often children work long hours under conditions which have permanent negative effects on their subsequent health and capacity for work. The abuses and exploitation of child labour need to be dealt with by legislative and administrative action and through education. Labour inspection should be strengthened to prevent abusive practices connected with the employment of child labour. Provision of free and relevant education, flexible school hours and provision of free meals would do much to improve the lot of rural children. As there are significant gaps in this field, economic surveys and in-depth micro-studies are necessary to formulate more effective programmes for rural children.

Information, Documentation and Research

42. The Committee felt that the data base for the analysis of rural workers' problems was inadequate and that conventional economic concepts, such as incomes and employment, should not be applied mechanically but that careful consideration should be given to differences in life-styles, attitudes to work and communal sharing practices in the countries of the region.

43. Collection and dissemination of information on appropriate technology, and further work on this subject where it is needed, suitable to local conditions and talents, were particularly emphasised. This should be done in collaboration with rural workers' and employers' organisations. The research and development centres engaged in scientific and technological research on rural problems should be institutionally linked with such organisations so that they may become more directly relevant.

44. Rural workers' organisations need a lot of information and research for the task of effectively influencing the economic and social policies of their country. In this they may need expert advice and assistance which should be made available to them at their request.

Role of the ILO

45. The Committee felt that because of its tripartite nature the ILO should play a far more active and predominant role in providing assistance for rural development programmes than it has played so far. There should also be close co-ordination of technical co-operation activities in rural development in the region between the ILO and other United Nations agencies.

46. The Committee stressed the importance of promoting technical co-operation between developing countries in the region in developing appropriate models of rural development. The ILO Advisory Committee on Rural Development and the proposed Asian and Pacific Tripartite Rural Advisory Committee, when it is established, should seek to identify successful models that may be developed by rural workers' organisations, producers' co-operatives, voluntary organisations, government and employers' organisations in different countries of the region. The ILO should also facilitate the sharing of such experiences between countries. The Committee felt that this is the kind of assistance that the ILO as an international agency is particularly competent to provide.

47. At the level of individual countries, the ILO's involvement was suggested in programmes of education and training directed towards skill development, particularly in income-raising

activities, small enterprise development, producers' co-operatives and promotion and strengthening of rural workers' organisations. Regional programmes for training of trainers were also recommended.

48. Assistance to rural workers' organisations and co-operatives in analysing the economic and social development of their countries by seconding appropriate staff to work with these organisations was also suggested as a useful role for the ILO to play until national tradition and capability are built up in this area. Other country-level activities suggested for ILO assistance were: practical applications of appropriate technology; pilot projects by women's organisations for the development of economic activities; programmes to prevent or remove disabilities suffered by rural children and to improve their health, nutrition and education; pilot projects to transform village schools to serve as focal points of village development activity; population education and family welfare programmes in rural areas.

49. The Committee recommends for the consideration of the Governing Body of the ILO the setting up of a Regional Rural Training Centre in the Asian and Pacific region where trainers from governments, rural workers' and employers' organisations and other relevant agencies may be given formal training in different occupational fields of relevance to rural development. An institution such as the Regional Centre for Integrated Rural Development in Bangladesh may provide the necessary infrastructure for the Centre.

50. In order to have the full benefit of the tripartite structure at the regional level in regional and country-level activities of the ILO, the Committee suggested that an Asian and Pacific Tripartite Rural Advisory Committee be constituted at this level which may be kept continuously apprised of relevant ILO activities in the region and which may meet periodically with the Regional Office to discuss and provide guidance to this work.

51. The Committee also considered a proposal to create a fund to assist organisations of the rural poor and decided that, as the question had been raised at a late stage of the deliberations and because the proposal involved important questions of finance and organisation of a global nature, the issue of financial support for such organisations should be put before the Governing Body of the ILO at the appropriate moment. Meanwhile, the ILO should seek to extend assistance to such organisations from its regular budget for technical co-operation funds.

II. RESOLUTIONS ON QUESTIONS NOT INCLUDED IN THE AGENDA OF THE CONFERENCE

Resolution concerning the Protection of Asian Migrant Workers

The Ninth Asian Regional Conference of the International Labour Organisation, Meeting in Manila from 2 to 11 December 1980,

Recalling the Preamble of the Constitution of the ILO, which calls for the protection of the interests of workers when employed in countries other than their own,

Considering 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 the Migrant Workers Recommendation, 1975 (No. 151),

Considering the Declaration of Principles and Programme of Action adopted by the tripartite World Employment Conference, 1976, and in particular Part II of the Programme, which calls, inter alia, for multilateral and bilateral agreements on migration for employment, based upon the economic and social needs of the countries of origin and the countries of employment, taking account not only of short-term manpower needs and resources, but also of the long-term social and economic consequences of migration, for migrants as well as for the communities concerned, and that, as far as possible, representative organisations of employers and workers should participate in the preparation and implementation of such agreements,

Considering the provisions of the resolution concerning follow-up to the World Employment Conference which relate to migration for employment, and the resolution concerning migrant workers, both adopted by the General Conference at its 65th (1979) Session,

Recognising that in recent years the migration of Asian workers to foreign countries has increased considerably and that problems of recruitment and treatment may give rise to abusive conditions for the workers concerned, as referred to in the Report of the Director-General to the Ninth Asian Regional Conference;

1. Urges the member States of the region:

- (a) to ratify and apply the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and, pending their ratification, to ensure that the principles laid down in these Conventions are observed;
- (b) to implement the Migration for Employment Recommendation (Revised), 1949 (No. 86), and the Migrant Workers Recommendation, 1975 (No. 151), and to give full effect to the Declaration of Principles and Programme of Action adopted by the World Employment Conference, as well as to the resolution concerning its follow-up;
- (c) to engage in consultations and negotiations and, where appropriate, to conclude bilateral and multilateral agreements on the conditions that should govern the migration of Asian workers to foreign countries in the light of the relevant ILO standards;
- (d) to provide for the reabsorption and, if necessary, retraining of migrant workers, on their return to their country of origin.

2. Invites the Governing Body of the International Labour Office to request the Director-General:

- (a) to carry out studies on the particular problems related to the recruitment and conditions of employment of Asian workers migrating to foreign countries;
- (b) to promote and to assist in consultations and negotiations between the countries concerned with a view to protecting the Asian workers against migration in abusive conditions.

Resolution concerning Workers' Education

The Ninth Asian Regional Conference of the International Labour Organisation,
Meeting in Manila from 2 to 11 December 1980,

Being aware that effective urban and rural development in Asia is dependent upon the active involvement of the workers and employers in the formulation and implementation of development policies and activities,

Conscious of the fact that the majority of the populations of Asian countries live and work in the rural areas,

Recognising that the harnessing of the energies and talents of the workers in both urban and rural areas to the development effort is best achieved if workers are organised in their own freely chosen and independent organisations and, through such organisations, have been able to benefit from appropriate workers' education,

Being aware of the need to gear workers' education activities to the needs and requirements of the trade union movements of the Asian countries and to assist the unions in achieving self-reliance in the pursuit of their self-determined objectives,

Stressing the importance of the Workers' Education Programme of the ILO,

Noting the conclusions of the Meeting of Consultants on Workers' Education, held in Geneva from 26 November to 5 December 1979;

1. Urges the member States of the region to facilitate the emergence and growth of trade unions and for that purpose to ratify and effectively implement the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and other related Conventions and Recommendations, so as to guarantee the right of both urban and rural workers to establish and join organisations of their own choosing and to enable such organisations to be fully involved in the activities of the ILO.

2. Invites the Governing Body of the International Labour Office to request the Director-General to take all possible steps to ensure the full realisation in Asia of the conclusions and recommendations of the 1979 Meeting of Consultants on Workers' Education, and in particular to:

- (a) ensure resources for these activities (i) by allotting an adequate and increasing proportion of the ILO regular budget for Workers' Education Programmes and for the appointment of more workers' education advisers—including rural workers' education advisers—in the region; (ii) by requesting the UNDP and other funding agencies to earmark special allocations to the ILO to permit a prompt response to requests for workers' education assistance from workers' organisations;

- (b) concentrate workers' education activities in particular, and technical co-operation activities in general, in those countries which have demonstrated respect for trade union rights and a will for participatory development and change, since workers' education can be effective only when freedom of association exists;
- (c) encourage workers' education programmes designed to promote the full involvement of workers in the formulation of policies which will effect substantial social and economic progress;
- (d) continue and expand workers' education activities for rural workers' organisations, especially those designed to promote participation by the membership and the training of educator/organisers;
- (e) promote activities for the development of workers' education programmes on a continuing basis by individual unions, national trade union centres and other institutions supported by trade union organisations, and for the training of the necessary teaching staff;
- (f) promote activities to meet particular needs such as those of women and young workers;
- (g) increase activities to improve and expand the social and economic services run by workers' organisations;
- (h) promote the development of workers' education teaching and audio-visual aids with special emphasis on country-specific materials;
- (i) make the wider technical services of the ILO directly available to workers' organisations.

Resolution concerning the Improvement of Working Conditions and Environment in Asia and the Pacific

The Ninth Asian Regional Conference of the International Labour Organisation,
Meeting in Manila from 2 to 11 December 1980,

Recalling that in a resolution concerning future action of the ILO in the field of working conditions and environment, adopted at its 60th (1975) Session, the General Conference requested the launching of an international programme for the improvement of working conditions and environment which is designed to promote or support activities of member States in this field,

Noting with satisfaction that this new international programme of the ILO, known as the International Programme for the Improvement of Working Conditions and Environment (PIACT), has been operational since November 1976, and that several countries in the region have already secured technical co-operation and guidance under this programme,

Taking note of the chapter entitled "Working conditions and environment in Asia and the Pacific" in the Director-General's Report to this Conference,

Considering that the improvement of working conditions and environment requires that full account be taken of local conditions and priorities and therefore that it is necessary to design and implement a regional dimension of PIACT in Asia and the Pacific,

Considering that this Asian dimension should be realised, at national and regional levels and at that of the ILO, by constructive and co-ordinated action by all those who can contribute to the improvement of working conditions and the working environment with, in particular, the most active possible participation of employers, workers and their organisations,

Adopts this resolution on the action to be taken progressively in Asian and Pacific member States of the ILO and by the ILO itself concerning the improvement of working conditions and the working environment in Asia and the Pacific;

1. The Conference underlines the need for Asian and Pacific member States of the ILO to adopt and apply coherent national policies for the improvement of working conditions and environment. With due account being taken of local conditions and practices, these policies should:

- (a) be prepared and implemented with the close association of employers, workers and their organisations;
- (b) pay particular attention to vulnerable categories of workers and to work situations in which the most severe occupational hazards and the most undesirable working conditions are found, as well as the occupational hazards to which large numbers of workers are exposed;
- (c) take into consideration the contributions of various disciplines—such as occupational safety, health and hygiene, ergonomics, applied science and engineering, industrial

psychology, labour law and economics—in developing practical approaches to improvement.

2. Training and information activities are urgently required at various levels for different categories of persons having an influence on working conditions and the working environment, priority being given to the training of specialised personnel in occupational safety and health.

3. The choice, transfer and adaptation of technology should be carefully examined to ensure that both new and well-known hazards are not introduced into the working environment and that full use is made of opportunities to use the process of technological change as a means to improve working conditions and the working environment.

4. The promotion of the practical application of standards concerning working conditions and environment is a matter of highest concern. Measures to be taken in this regard include:

- (a) the development of legislation and regulations whose application would effectively provide the necessary minimum protection for workers in all occupations;
- (b) the reinforcement of labour inspectorates, factory inspectorates and other authorities charged with the effective application of legislative and other standards, by providing them with adequate resources and manpower;
- (c) the inclusion of working conditions and environment concerns in the activities of institutions having direct contact with workers; and
- (d) the development and application of appropriate specific means of action relating to workers who are at present poorly protected or difficult to protect.

5. The Conference emphasises the potential for more effective international co-operation concerning working conditions and environment. This international co-operation should be seen as providing the concrete activities necessary to a dimension of PIACT relating specifically to Asia and the Pacific. Consequently, the Conference invites the ILO, in collaboration with other organisations of the United Nations system, to take a leading role in such co-operation, which should include the following:

- (a) the development and harmonisation of national policies for the improvement of working conditions and environment, whose application should be considered in developing countries as a part of the implementation of the New International Development Strategy;
- (b) the development and harmonisation of policies and programmes for the management and control of technology transfer and for the development of appropriate technology in the framework of the Vienna Programme of Action;
- (c) the reinforcement of existing institutions in this field at the national and international levels, in particular the Asian Regional Project for Strengthening Labour and Manpower Administration (ARPLA);
- (d) the development of appropriate regional or subregional training programmes for all persons involved in the area of safety, health and welfare;
- (e) the exchange of information and co-ordination of research relevant to developing and applying appropriate measures for the protection of workers;
- (f) the expansion of technical co-operation financed by the UNDP and multilateral sources. In this connection particular emphasis should be given to the setting up for Asia and the Pacific of a regional multidisciplinary team as called for by a resolution adopted by the General Conference in 1975;
- (g) the carrying out of pilot schemes for the improvement of occupational safety and health and working conditions in rural areas, the urban informal sector, small enterprises and other situations where protection is particularly difficult or a group of workers is particularly vulnerable;
- (h) the provision of information on existing levels and trends in occupational accidents and diseases, hours of work and other conditions in various industries, sectors and occupations;
- (i) research into new methods of reducing occupational accidents and diseases and into the economic costs and benefits of improving working conditions.

Resolution concerning Technical Co-operation Activities of the ILO in Asia and the Pacific

The Ninth Asian Regional Conference of the International Labour Organisation,
Meeting in Manila from 2 to 11 December 1980,

Recalling the Declaration of Principles and Programme of Action adopted by the World

Employment Conference in 1976, which set forth national and international policies for the eradication of poverty,

Recalling the resolution adopted by the General Conference in 1979 concerning ILO technical co-operation programmes,

Recalling the discussion on the ILO technical co-operation activities in Asia and the Pacific at the Seventeenth Session of the Asian Advisory Committee in 1977 and the conclusions adopted by the Committee,

Noting the parts of the Director-General's Report to the Ninth Asian Regional Conference which review the prospects and changing pattern of ILO technical co-operation activities in the region,

Recognising that a basic objective of technical co-operation is to further the national and collective self-reliance of developing countries,

Recognising that technological changes and accelerated over-all development will require increased efforts to train, upgrade and retrain the labour force in the region and that, despite the enormous efforts to provide the member States in Asia and the Pacific with qualified manpower, there still exist severe shortages at various levels of skill which are being exacerbated by migratory movements from Asia and the Pacific to other regions of the world,

Considering that technical co-operation activities in the fields of employment promotion, training, working conditions, industrial relations and the extension of social security are contributing to the eradication of poverty in Asia and the Pacific,

Recognising the significant contribution being made by the ILO's regional projects, the Asian Regional Team for Employment Promotion (ARTEP), the Asian and Pacific Skill Development Programme (APSDEP), the Asian Regional Project for Strengthening Labour and Manpower Administration (ARPLA) and the Labour and Population Programme for Asia and the Pacific,

Stressing the importance of effective tripartism in the technical co-operation activities of the ILO and noting with interest the increasing number of projects for social and economic development and employment creation undertaken by workers' and employers' organisations in the region,

Emphasising that technical co-operation among developing countries (TCDC) should be stimulated and co-ordinated by the ILO,

Reaffirming that ILO activities with regard to standard setting and technical co-operation are to be considered complementary and mutually reinforcing;

1. Expresses its appreciation of the efforts of the ILO, through its technical co-operation programmes, to assist and co-operate with the member States in the region in furthering social and economic progress, and commends especially:

- (a) the activities of ARTEP in identifying and furthering appropriate policies and programmes for employment promotion, satisfaction of basic needs and eradication of poverty;
- (b) the work programme of ARPLA in upgrading labour administrations and in assisting them to play their role in development;
- (c) the efforts of APSDEP in promoting training policies, programmes and systems among member States in the region in the critical area of manpower development; and
- (d) the role of the Labour and Population Programme for Asia and the Pacific in stimulating population-related activities on the part of labour administrations and workers' and employers' organisations.

2. Urges member States of the region:

- (a) to give their full support to the ILO's regional projects, to utilise their services as effective means of TCDC and to contribute to the resources of these projects in cash and in kind;
- (b) to assign a higher priority to social projects and the social dimension in all their technical co-operation programmes which are financed through bilateral and multilateral channels, including the UNDP, and to involve the ILO to an even greater extent in these projects and programmes;
- (c) to strengthen tripartism in national and regional technical co-operation activities through greater involvement of workers' and employers' organisations in the programme and project formulation and implementation and to this end to ratify and apply the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and to implement the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).

3. Invites the Governing Body of the International Labour Office to request the Director-General:

- (a) to allocate more regular budget resources to technical co-operation activities in Asia and the Pacific and to continue efforts to attract an increasing volume of UNDP and other multilateral as well as bilateral financing for ILO projects in the region;
- (b) to promote tripartite participation in technical co-operation activities, particularly in projects and meetings involving the ILO, and to this end both to strengthen consultation between the ILO and all its constituents at the regional and the national level and to give priority to assistance for workers' education and for employers' organisations and support for economic and social projects undertaken by workers' and employers' organisations in the region;
- (c) to encourage TCDC in the region by a further strengthening of such major regional projects as ARPLA, APSDEP, ARTEP and the Labour and Population Programme for Asia and the Pacific and use of expertise available in the region and a greater reliance on experts recruited and equipment procured from developing countries;
- (d) to promote TCDC among the developing regions by active exchange of information and technical expertise and services between the regional projects in Asia and the Pacific and similar projects and institutions in the other regions of the world, taking advantage of the services of the International Centre for Advanced Vocational and Technical Training;
- (e) to promote through technical co-operation activities the ratification and implementation of ILO standards.

Resolution concerning the Implementation of a Full Employment Policy in Asia

The Ninth Asian Regional Conference of the International Labour Organisation, Meeting in Manila from 2 to 11 December 1980,

Recalling the Declaration of Philadelphia, which recognises the International Labour Organisation's obligation to support the implementation of programmes geared to ensuring full employment and higher living standards among various nations the world over,

Recalling the Universal Declaration of Human Rights and the 1966 United Nations International Covenant on Economic, Social and Cultural Rights,

Recalling the Declaration of Principles and Programme of Action adopted by the World Employment Conference of the ILO in 1976 and the resolution concerning their follow-up adopted by the International Labour Conference in 1979,

Concerned by the alarmingly high rate and continuous growth of unemployment, partial unemployment and underemployment of millions of workers, especially young workers,

Convinced that the implementation of a full employment policy demands programmes of balanced growth and development of national economies and measures for vocational and advanced technical training of workers,

Considering that this serious situation continuously creates new demands upon employment policy and necessitates the adoption by various countries of this region and by the ILO of measures and programmes aiming at the reduction of unemployment and the attainment of full employment;

1. Urges member States:

- (a) to take active measures to promote employment;
- (b) to draw up and implement education programmes ensuring training and advanced training.

2. Invites the International Labour Organisation and its member States, with a view to finding a lasting solution to the burning issue of unemployment in a number of developing countries, to make efforts and take stronger measures aiming at establishing a new international economic order, thus supporting and encouraging the developing countries in their efforts to secure full employment.

3. Invites the Governing Body of the International Labour Office to entrust the Director-General with the task of preparing as soon as possible a study analysing the obstacles met by the Asian member States in attaining full employment and security of workers' income ensuring satisfactory living conditions.

4. Invites the Governing Body of the International Labour Office to place on the agenda of a future session of the International Labour Conference the revision of the Employment Policy Convention, 1964 (No. 122).

Resolution concerning Multinational Enterprises and Social Policy in Asia

The Ninth Asian Regional Conference of the International Labour Organisation,
Meeting in Manila from 2 to 11 December 1980,

Noting the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy drawn up by the Tripartite Advisory Meeting on the Relationship of Multinational Enterprises and Social Policy in April 1977 and adopted by the Governing Body in November 1977,

Recalling the following extract from the Declaration: "Within the framework of development policies established by governments, they can also make an important contribution to the promotion of economic and social welfare; to the improvement of living standards and the satisfaction of basic needs; to the creation of employment opportunities, both directly and indirectly; and to the enjoyment of basic human rights, including freedom of association, throughout the world. On the other hand, the advances made by multinational enterprises in organising their operations beyond the national framework may lead to abuse of concentrations of economic power and to conflicts with national policy objectives and with the interests of the workers. In addition, the complexity of multinational enterprises and the difficulty of clearly perceiving their diverse structures, operations and policies sometimes give rise to concern either in the home or in the host countries, or in both",

Noting the decisions taken by the Governing Body at its 214th (November 1980) Session concerning further follow-up procedures, including the frequency of further reports, the manner of considering them and procedures for the examination of disputes concerning the application of the Declaration,

Recognising the need for furthering ILO action in the pursuit of the implementation of the Declaration;

Invites the Director-General of the International Labour Office to report to the next session of the Asian Advisory Committee on the question of the implementation of the Declaration in the region.

Advisory Committee on Salaried Employees and Professional Workers

(Eighth Session, Geneva, 13–22 January 1981)

CONCLUSIONS, RESOLUTIONS AND CLASSIFICATION ADOPTED

Conclusions (No. 82) concerning the Effects of Technological and Structural Changes on the Employment and Working Conditions of Non-manual Workers with Special Reference to the Improvement of Working Conditions and in Particular Occupational Safety and Health and Ergonomics

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Having examined the report submitted by the International Labour Office on the effects of technological and structural changes on the employment and working conditions of non-manual workers;

Adopts, this twenty-second day of January 1981, the following conclusions:

General Considerations

1. Commerce, the financial sector and offices have undergone far-reaching technological and structural changes over the past few decades. The pace of these changes may increase in the coming years as a result of technological innovations arising from micro-electronics and data-communication. New forms of equipment, such as automatic cash registers in commerce, automatic tellers, point of sales terminals and computer networks with real-time access in the financial sector, and word-processors in offices, are in the process of considerably changing the nature of services rendered by these sectors and the manner in which they are rendered.

2. Although these new technologies have only spread gradually and their impact has varied considerably according to the countries, branches of activity and enterprises involved, their application will probably become more widespread in the industrialised countries. Any enterprise that does not introduce appropriate technological innovations will, in fact, run the risk of reducing its competitive position and endangering its survival.

3. The new technologies will probably affect all sectors of activity and, in the long run, might change economic structures both at the national and the international level.

4. Although insufficient data are available on the situation in developing countries and although the introduction of new technologies in the services sector of these countries raises very specific problems, one may expect that, in the longer term, these countries will also experience some of the innovations which are at present being introduced in industrialised countries and may face similar problems.

5. The new technologies can bring considerable benefits to the economy, the enterprises and the workers as well as to consumers and users of services. But their application may also have adverse effects which should be avoided or mitigated as far as possible.

6. It is therefore desirable that the introduction of new technologies should proceed in such a way that enterprises, workers, consumers and users may adapt smoothly to them. To this end, it should be carefully planned and carried out.

7. It is also desirable that the advantages and drawbacks resulting from technological changes be shared equitably by enterprises, workers, consumers and citizens.

Introduction of Changes

8. The introduction of technological changes and the possible choices available should be the subject of the widest debate, at all levels, and the economic, social, human and cultural consequences of any choice should be clearly realised.

9. Governments have an important role to play in the conduct of this debate as they are concerned with the competitive position of the economy and might need to encourage the introduction of new technologies. They also have to safeguard the interests of consumers and the quality of life and to ensure an adequate level of employment, all of which could be affected by the new technologies.

10. If necessary, governments should undertake and promote research and informational activities on the development and consequences of new technologies and place such information at the disposal of employers and workers and their organisations as well as of all interested persons and organisations, so as to facilitate debate and the process of decision making in this field.

11. Governments should, as necessary, encourage dialogue and consultation between employers and workers and their organisations on the social problems arising from technological and structural changes, for example, by placing at the disposal of both sides of industry the guidance and advisory services that might be of help to them in the solution of these problems.

12. Within each enterprise, employers have to take concrete decisions relating to the introduction of technological and structural changes. Before making decisions likely to affect the employment and working conditions of their staff, they should take into consideration not only economic or technical factors but also social and human ones.

13. Workers and their representatives should be in a position to influence decisions relating to the introduction of technological and structural changes so as to mitigate any harmful effects for the workers.

14. The manner in which this influence is exercised may vary in keeping with national legislation and practice; workers and their representatives should, in any case, be consulted before decisions likely to affect their employment and working conditions are made; in addition, it might be appropriate for them to participate in the decision-making process through whatever means are appropriate in accordance with national conditions.

15. What is important is that close co-operation and effective communication should prevail throughout the process of the introduction of changes, so as to arrive, as far as possible, at mutually acceptable conclusions.

16. Governments, employers and workers should have a mutual interest in educating and training the persons directly concerned by the introduction of systems based on new technologies. The education should aim at enabling such persons to understand the changes, to take part in the development work, to evaluate the proposals for change and to work more effectively in using such systems.

17. Before decisions are reached, employers should provide workers, their representatives, and/or their organisations, with the fullest and clearest information possible and the workers' representatives or organisations should bear in mind the possibility of consulting experts to assist them.

Effects on Employment

18. It is not easy to identify separately the particular effects on the volume of employment of technological changes, since the aggregate levels of employment and unemployment are also affected by such factors as the economic situation and the variations in labour supply.

19. Although, until recently, technological changes went hand in hand with strong economic growth and important employment creation in commerce, the financial sector and offices, such a situation might not repeat itself in future, given the nature, the scope and the speed of technological changes in progress, and the present economic climate and existing unemployment.

20. As in the past, technological changes will bring about losses of jobs and creation of jobs, without necessarily creating jobs in the same enterprise or in the same sector of activity, or at a time, or in sufficient number, to compensate for the jobs lost. Moreover they will change the nature and the level of skills required.

21. For these reasons, and although one cannot forecast with certainty the effects of changes on the volume and quality of employment, it would be wise to consider the issues that might arise.

22. Particular attention should be paid to the employment problems of certain categories of workers who are in jobs which are likely to be eliminated by new technologies. These workers may include, but are not limited to, women, younger and older workers. Because their level of

education and training is frequently insufficient and they often face material or psychological difficulties which hamper their geographical mobility and prevent them from taking advantage of the training, retraining and relocation facilities which might be open to them, women, for example, may have particular problems. Young entrants into the labour force also run the risk of no longer finding the openings in commerce, the financial sector and offices, which until recently awaited them, and this situation will be aggravated by growing unemployment. Finally, certain older and handicapped workers are likely to face increasing difficulties in finding alternative employment if they lose their jobs.

23. To minimise the adverse effects on employment of technological changes, one might envisage a series of measures, to be taken by governments and by employers and workers and their organisations, at various levels and in keeping with national and local conditions.

24. Within the framework of a policy of economic expansion and full employment, in accordance with the Employment Policy Convention and Recommendation, 1964 (No. 122), governments should, in particular:

- (a) encourage, by all appropriate means, enterprises to use technologies most likely to create new products and new services and to increase the volume of employment;
- (b) develop where appropriate socially useful services in the public sector, possibly through the utilisation of new technologies;
- (c) apply a manpower planning policy which takes into account the development of technology in making its quantitative and qualitative forecasts in collaboration with the interested employers' and workers' organisations as well as on the basis of material from other sources;
- (d) apply policies of education and vocational guidance and training, aimed at developing the capacity of each individual to adjust constantly to technological and structural changes; such policies to be closely co-ordinated with the manpower forecasting and planning policies;
- (e) establish effective machinery to help workers who have lost their jobs as a result of technological or structural change to find suitable alternative employment;
- (f) provide adequate financial support for the workers referred to in the preceding subparagraph, in accordance with national laws and practice, and also provide, through appropriate manpower planning programmes, assistance to workers affected by technological change to undergo training or retraining or relocation in order to find alternative employment;
- (g) assist the employers' and workers' organisations in their search for solutions to problems arising from the introduction of new technologies, bearing in mind the provisions of the Employment Policy Convention and Recommendation, 1964 (No. 122).

25. Within each enterprise, the number of employees needed as well as the type of jobs and skills required following the introduction of technological changes should as far as possible be planned in advance to serve as a basis for decisions relating to recruitment, training, retraining and career development.

26. Employers should, to the extent possible, try to ensure job security for their workers by helping them to acquire new skills required by technological changes and to fill the jobs resulting from these changes. On their side, workers should accept some mobility and the necessity to change jobs and skills in order to adjust to technological changes.

27. To the extent possible, the measures which employers should take, in consultation with workers' representatives, to avoid or minimise reductions in staff could, *inter alia*, include the following:

- careful planning of the introduction of changes;
- restrictions on recruitment;
- recourse to natural wastage;
- transfers within the enterprise accompanied, if necessary, by training or retraining;
- voluntary departure through early retirement for older workers with the provision of adequate pensions in accordance with national practice;
- limitation of overtime.

Effects on Organisation of Work and Working Conditions

28. The technological and structural changes currently in progress in commerce, the

financial sector and offices have an impact on job content, skill requirements, job satisfaction and working conditions.

29. In certain cases, they can bring about an improvement in job content, making jobs more interesting and less arduous as well as an improvement in services to customers. In other cases, however, they can also have negative effects such as excessive fragmentation and specialisation of work, a loss of control by the individual on his work, increase in intensity and rhythm of work, increased supervision and depersonalisation of human relations. This may lead to stress and dissatisfaction as well as the lowering of the level of skill and the reduction of career prospects for the workers involved. It can also lead to a deterioration in the services rendered to customers.

30. To the extent that many of these negative effects can be avoided, regard should be had to types of work organisation which promote job satisfaction and higher skills, taking advantage of the opportunities now offered by the new technologies.

31. Governments and employers' and workers' organisations should collaborate where appropriate to promote research on the design of work systems and equipment relying on new technologies which fully take into account the needs of workers and users.

32. The participation of the workers and users concerned in the conception of work systems is important in order to ensure that these systems take fully into account the needs of those concerned and that they function effectively.

33. It may be advisable to give preference to forms of work organisation in which the worker:

- enjoys a certain amount of autonomy and responsibility;
- understands the work process as a whole;
- is not subjected to an excessive rhythm of work and to constant supervision;
- performs a reasonable variety of tasks;
- has opportunities for human contacts;
- has scope for raising his skill level and for improving his career and salary prospects;
- is assured of the protection of his personal data.

34. Night work and shift work which may be injurious to the health of the worker should be avoided as far as possible. Where such work is unavoidable, necessary measures should be considered to overcome the complications which it creates for workers and their families.

35. The increase in productivity resulting from the introduction of technological change should also bring benefits to workers.

36. Systems of job evaluation and job classification should be regularly reviewed to ensure that the criteria applied continue to be adapted to the changed technology.

37. The introduction of incentive payments systems arising from technological changes may lead to excessive intensification of work. This should be avoided as far as possible by appropriate consultations between employers, workers and their organisations.

Effects on Work Environment, Health and Safety

38. Technological and structural changes certainly have some positive effects on the work environment and on the safety and health of workers in commerce and offices. For example, they frequently lead to increased comfort in the workplace, reduction in noise and a reduction of the physical workload. However, they may also have adverse effects on the health of workers.

39. The negative effects may not be attributable to the technology itself but to the manner in which it is applied and the work is organised.

40. It is in the joint interests of employers and workers that negative effects should be reduced and that technological changes should as far as possible be used to improve the working environment and working conditions.

41. In some circumstances, problems may be solved by means of joint consultations between employers, workers and their organisations, which may lead to negotiations if this accords with national practice.

42. Governments, in co-operation with employers' and workers' organisations, should consider promoting study and research on ergonomic problems arising from technological change. They could consider the possibility of establishing special institutions or bodies for this purpose whose role would be to advise the employers' and workers' organisations on the steps to be taken to minimise the negative effects of technological changes and to improve working conditions and the working environment.

43. The results of such studies and research should be placed at the disposal of employers' and workers' organisations.

44. They may also serve where appropriate as a basis for the establishment of legal or conventional standards whose application should be supervised as appropriate by labour inspection or occupational health services.

45. In introducing new equipment and new methods of work in old premises, care should be taken to ensure that the layout of the premises continues to be adapted, as far as possible, to the needs of the workers and any necessary modifications should be carried out.

46. In designing work stations involving the utilisation of visual display units, particular attention should be paid to the following points:

- eye strain: the eyesight of workers whose work involves the use of display screens should be checked before they are assigned to such work and if necessary periodically thereafter;
- fatigue: work should be so organised as to make the utilisation of screens over excessively long periods unnecessary. Workers may require adequate interruptions in work on visual display units;
- layout of work stations: this should be such as to avoid visual problems and postural pains. The screens should be regularly checked.

47. Work stations at cash desks in shops should be so laid out and organised as to avoid postural pains and undue fatigue. Employees should have available suitable seats and may require adequate interruptions or changes in their work.

ILO Action

48. The exchange of information at all levels on the social problems posed by technological and structural changes is an important element in promoting the solution of problems.

49. The ILO should strengthen its action in this field and endeavour to collect systematically and disseminate regularly information on these problems and on the measures taken in the different countries to solve them.

50. It should launch a research programme comprising scientific studies on the social effects as well as health and safety implications of new technologies in different sectors and different occupations as well as forecasts on the quantitative effects of the new technologies in the medium term.

51. The ILO should pay particular attention to problems posed by the introduction of new technologies in developing countries.

52. It should also undertake a study on the machinery for consultation, participation and negotiation used in different countries to solve problems arising from the introduction of new technology.

53. The Governing Body of the ILO should consider the possibility of placing on the agenda of a forthcoming session of the International Labour Conference an item on "the social effects of technological changes" with a view to the adoption of standards on such aspects of the question as are not already covered by existing ILO instruments.

Conclusions (No. 83) concerning the Problems of Women Non-manual Workers: Work Organisation, Vocational Training, Equality of Treatment at the Workplace, Job Opportunities

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Having considered the report submitted to it by the International Labour Office concerning problems of women non-manual workers' work organisation, vocational training, equality of treatment at the workplace, job opportunities;

Adopts this twenty-second day of January 1981 the following conclusions:

General Considerations

1. The problems of men and women workers in commerce and offices are interrelated and the resolution of the problems of one sex will have consequences for all workers in this sector.

While recognising this fact, women non-manual workers in this sector have a number of specific concerns in the areas of employment and conditions of work that merit particular attention.

2. An underlying difficulty in achieving equality of opportunity for women non-manual workers is the persistence of deeply ingrained and prevailing attitudes about women's roles at work and at home. A change in attitudes necessitates wide-ranging and multiple provisions by governments, employers, workers and the community at large.

3. Equality of opportunity at the workplace relies to a substantial degree on the possibility for men and women to be able to choose to share family responsibilities equally.

4. A number of ILO instruments exist concerning equality of opportunity and treatment of women workers. Additional instruments concerning workers with family responsibilities are under preparation. The ratification and effective application of these instruments should be encouraged.

5. At the national level, laws, regulations and policies have been adopted that concern the general issue of equality of opportunity and treatment. Governments that do not have such measures are encouraged to consider adopting them. None the less, legislation is often not a sufficient means to effect change, and other provisions called for in these conclusions are designed to provide additional means of action, with particular regard to women non-manual workers in commerce and offices.

Employment Opportunities

6. Employment opportunities in commerce and offices have represented an area for women's increased participation in the labour market. In the case of full-time employment in this sector, competent national authorities and employers should aim at ensuring that such employment opportunities remain available and that they are available to men and women on an equal basis.

7. Advertisements for jobs and job notices should not bear, inter alia, any indication or suggestion of sex. This measure is seen as a step towards the dissolution of the concept of separate men's and women's occupations.

8. Part-time workers represent a substantial proportion of the workforce in commerce and offices in some countries, and in most countries the vast majority of part-time workers in commerce and offices are women. While part-time work may be a voluntary choice for some workers, women in particular should not be faced with part-time work as the only form of available employment. The incidence, scope and degree of choice in part-time employment is a matter for further research and analysis.

9. One of the reasons women predominate in part-time jobs is that although men and women have equal family responsibilities, women usually carry the main part of the burden. Often part-time work provides the only opportunity for women to combine their right to employment with family obligations. In order to give women and men equal possibilities to obtain full-time or part-time work, measures will have to be taken, such as increasing the availability of social services and the possibilities for alternative working arrangements.

10. Part-time employment opportunities in commerce and offices should be available on an equal basis for men and women at all levels and measures should be taken where necessary in order to eliminate discrimination on the basis of sex.

11. It would be desirable that the availability of part-time work be without prejudice to workers of either sex employed on a full-time basis and as far as possible not reduce full-time employment opportunities. Full-time employment should have preference over part-time employment.

12. The conditions of employment of part-time employees should be equivalent to those of full-time employees, their entitlements being, as appropriate, calculated on a pro-rata basis. Part-time workers should also enjoy opportunities for promotion, for job enrichment and for access to training and retraining.

13. The conditions of work of part-time workers as well as the delimitation of the scope of their work should preferably be determined by collective agreements. In the event that these matters are not covered by collective agreements, they should be determined by national laws or regulations, arbitration awards or judicial decisions, or in any other manner consistent with national practice which may be appropriate, account being taken of conditions in each country. Part-time workers should, to the greatest extent possible, be notified well in advance of their working schedules, which should be based on their normal working week.

14. In accordance with national practice, the position regarding the employment of interim workers should be established through consultations between workers and employers and on the

understanding that the use of such workers should not entail the replacement of currently existing jobs.

Education and Training, Retraining and Re-entry Training

15. Girls and women should have equal access to education and training to that enjoyed by boys and men at all levels. The establishment of special governmental bodies or councils to promote means to enhance equality at the national level is an avenue for giving practical effect to this principle in countries where equality in education and training has not yet been understood or achieved.

16. The concentration of women in a narrow range of occupations in commerce and offices and the tendency for girls and women to opt for courses leading to such occupations support one another in the maintenance of so-called women's jobs and women's career structures. Action at the national, sectoral and organisational levels should deal with both of these factors simultaneously since a focus on only one of them is not likely to be sufficient to change the occupational concentration of women.

17. School teachers at all levels and vocational counsellors should be made aware of attitudes that tend to encourage girls and young women to take courses leading to a narrow range of occupations. Teachers and counsellors should consciously seek to break down the concept that jobs can be classified according to sex and to impart this view to boys and girls at a young age and to their parents.

18. Education and training systems should provide for appropriately qualified employment consultants to be available for counselling both parents and students. Vocational guidance services should be as adequate and comprehensive as possible, providing information on specific occupations and career prospects in commerce and offices. This information should be of an equally high level as that available regarding the labour market in general and possible developments within it.

19. The staff of employment offices and of education and training bodies should be made aware of the specific employment and training problems of women, and where necessary special appropriately qualified counsellors should be provided for as long as appropriate. Services should include not only training courses and re-entry training programmes, but also active measures and encouragement for the placement of women in jobs where they have been traditionally under-represented.

20. The proportion of women in commerce and offices is likely to remain high compared with some other sectors for some time to come. It is in the interest of all concerned—governments, employers, workers and the community at large—to ensure that this workforce is adequately trained and has access to further training.

21. Vocational training systems should provide broad-based training programmes for women in or about to enter the commerce and offices sectors since adaptable skills may be required as a result of technological developments in these sectors. These broad-based programmes should be complemented by specific skill training using, for example, a modular approach to training based on an analysis of tasks that are specific to a given occupation or trade ("modules of employable skills" approach).

22. Increased opportunities for further training, advanced training and management training should be made available to women. As a means to change the proportionally lower number of women in professional and managerial occupations in commerce and offices, specific programmes should ensure that the special needs of women, including women re-entering the workforce, are recognised by training institutes as well as enterprises.

23. The provisions of the Paid Educational Leave Convention (No. 140) and Recommendation (No. 148), 1974, are of considerable importance to women non-manual workers in commerce and offices and should be noted.

24. Re-entry training is of particular importance to women in commerce and offices. Various means such as publications, radio and television and specific short-term schemes, should be utilised to assist women to re-enter the labour market. An equitable balance of programmes should be made available for those wishing to re-enter the labour market and those already in it.

Career Prospects

25. While women have increased as a proportion of all professional and managerial workers in commerce and offices in recent years in some countries, many women in this sector

have remained concentrated in a narrow range of jobs, a substantial number of which are characterised by limited career prospects. This situation calls for measures to be implemented as appropriate at the national level and at the place of work.

26. Equal opportunity laws cover a wide range of issues including recruitment and hiring practices, career advancement and in-service training and provide for an enforcement mechanism in many instances to ensure the practical implementation of the law. Such laws provide examples of how legislation can serve not only to combat discriminatory practices but also to promote direct action and encourage a change of attitudes of all concerned, including the general public.

27. Legislation is, however, often not sufficient by itself to effect change, especially a change in attitudes. Other measures which facilitate the placement of women in professional and managerial posts should be considered. These measures have in some countries included, for example, affirmative action (remedial measures designed to redress past imbalances, primarily in the areas of recruitment and career advancement), incentive schemes, pilot project training programmes for high-level jobs and action research, using case studies, on factors hindering women's career prospects.

28. Measures must be taken within the enterprise to plan and implement women's career development programmes and to increase the number of women in jobs hitherto primarily held by men.

Family Responsibilities

29. Family responsibilities, including child care, household duties, and care for dependants and the aged, are matters of concern to men and women. The unequal sharing of such responsibilities may restrict the ability of individuals to enjoy equality of opportunity at the workplace.

30. A variety of measures should be implemented to provide families with a choice for an equal sharing of responsibilities and to make it possible for both men and women to reconcile family and work life. Adequate community facilities for child care, care of aged and sick dependants, household services and public transport are needed and, where appropriate, should be provided on a non-profit basis.

31. Flexible working time arrangements, including those that take account of family responsibilities, should be considered as a means of sharing those responsibilities. Such arrangements should be made available to men and women on an equal basis. The duration of hours of work as well as alternative working arrangements are issues relevant to the equal sharing of family responsibilities by men and women, and should be determined by collective agreements, arbitration awards or under labour legislation as appropriate to national conditions and practice, on the basis of the standards set by the International Labour Organisation.

Levels of Remuneration

32. The principle of equal remuneration for work of equal value should be followed in all countries and be included, where necessary, in collective agreements in the office and commerce sector. In accordance with the ILO Equal Remuneration Convention (No. 100), 1951, this principle should also apply to any additional emoluments, paid directly or indirectly in cash or in kind, arising out of the workers' employment.

33. Specific measures should receive more attention at the place of employment in order to establish criteria for assessing and classifying jobs to give effect to the principle of equal pay for work of equal value. These activities should be carried out on a continuous basis in commerce and offices since rapid changes in job content and structure are taking place in this sector. Negotiations between employers and workers, through appropriate channels, may be one basis for the establishment of these procedures.

Maternity Protection

34. The provision of maternity protection in this sector should follow the guidelines set out in the ILO standards on this subject and in the Declaration of Equality of Opportunity and Treatment for Women Workers adopted by the International Labour Conference at its 60th Session in 1975. The Declaration states in Article 8, inter alia: "There shall be no discrimination against women workers on the grounds of pregnancy and childbirth and women bearing a child

shall be protected from dismissal on such grounds during the entire period of pregnancy and maternity leave. They shall have the right to resume their employment without loss of acquired rights." The costs should be borne by social security, or other public funds or by means of other collective finance. In providing maternity protection, consideration should be given to Article 14 of the above Declaration: "Equality of opportunity and treatment for women and men in working life shall be guaranteed by means of legislation, collective agreements or contractual arrangements of binding character. Measures shall be taken to enforce application of this principle, including procedures for complaints, conciliation, appeal and recourse to the courts."

Safety and Health

35. Appropriate regulations should provide protection for the safety and health of men and women employees in commerce and offices on the same basis and with the same standards of protection, in the light of advances in scientific and technological knowledge. These regulations should cover all aspects of the working environment as they may affect the safety and health of employees, including equipment, furniture, lighting, air conditioning, heat, noise as well as various working patterns such as night work and shift work as they apply to commerce and offices.

36. The problems inherent in routine and monotonous work, which are prevalent in many of the jobs held by women in commerce and offices, deserve more attention in the design and establishment of safety and health research, programmes and policies.

The Impact of the Introduction of New Technology on Women

37. Much of the new technology currently being introduced in the commerce and offices sector is affecting jobs that to date have primarily been held by women such as clerical work and data entry. While the exact nature and extent of the impact cannot presently be determined, special attention should be given to minimising potential negative effects on employment levels and on job content, to the creation of new job opportunities and to job enrichment possibilities. Efforts should be made to ensure that women are not adversely affected to a disproportionate extent by the introduction of new technology as a result of their concentration in certain occupations. Furthermore, benefits and opportunities created by new technology should be shared equitably by men and women.

38. Specific measures to assist women to adapt to new work situations brought about by the introduction of new technology should be based on negotiations or consultations as appropriate between employers and workers in accordance with national practice, and should include vocational training and retraining schemes, particularly in-service training, changes in educational curricula with more emphasis on broad-based courses and on mathematics, science and electronics, and guidance to parents, girls and women on appropriate education and training.

The Participation of Women in Decisions Affecting Their Employment and Conditions of Work

39. The employment problems, career prospects and conditions of work specific to women in commerce and offices make it desirable for women to participate in the decision-making processes concerning their working lives. Governments, employers and workers are urged to facilitate the involvement of women, at all levels, in these processes.

Future Action of the ILO

40. Research and studies should be carried out by the ILO on a number of topics that merit further attention in the commerce and offices sector. These topics include better comparative data on matters such as wage levels and absenteeism and its causes; the economic, social and other effects of a reduction of working hours; part-time work and alternative working patterns (attitude surveys, case studies on the organisation and implementation of different work patterns and questions of social protection); differentials in remuneration levels of men and women in this sector; training approaches geared to women's needs and training by modules of employable skills; the impact of the introduction of new technology on women's employment and conditions of work in commerce and offices; case studies on new career patterns for women in this sector; and women in the informal sector in commerce in developing countries.

41. In undertaking its research and studies activities the ILO should also make full use of the publications and studies of non-governmental organisations, including women's organisations. Moreover, it should also draw on data from countries that are not members of the Advisory Committee on Salaried Employees and Professional Workers.

42. The ILO should strengthen its standards that pertain to equality of opportunity and treatment and promote the effective application of these standards.

43. Countries wishing assistance in the collection of statistics and data should be able to call on the ILO to provide such assistance.

44. Symposia on particular problems affecting women workers in commerce and offices should be considered as a means of action by the ILO.

Resolution (No. 84) concerning the Agenda of the Ninth Session of the Advisory Committee on Salaried Employees and Professional Workers

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981;

Adopts, this twenty-second day of January 1981, the following resolution:

The Advisory Committee on Salaried Employees and Professional Workers invites the Governing Body of the International Labour Office to give consideration, when fixing the agenda of the Ninth Session of the Advisory Committee, to the following questions:

- stability of employment and the content of jobs specific to non-manual workers;
- problems specific to non-manual workers in industry;
- problems specific to employees in commerce and finance;
- problems specific to commercial travellers;
- occupational hazards and diseases in commerce and offices;
- freedom of association in commerce and offices.

Resolution (No. 85) concerning Future ILO Activities relating to Salaried Employees and Professional Workers

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Recalling the resolution (No. 78) concerning future ILO activities relating to salaried employees and professional workers adopted by the Committee at its last session,

Reaffirming that the problems of salaried employees and professional workers should be dealt with on an increasing scale within the ILO programme of industrial activities,

Considering the desirability of carrying out comprehensive and continuing research into the problems of non-manual workers, including salaried engineers, technicians and supervisory staff,

Considering also the desirability of better adapting new and existing international labour standards to the needs of salaried employees and professional workers:

Adopts, this twenty-second day of January 1981, the following resolution;

The Advisory Committee on Salaried Employees and Professional Workers invites the Governing Body of the International Labour Office:

1. to request the Director-General to ensure that questions directly related to the scope of this Committee are adequately covered in the programme and budget of the ILO;
2. to convene the Advisory Committee at more frequent intervals, preferably not longer than three years;
3. to endeavour to seek ways and means to improve the follow-up procedure to the conclusions and resolutions adopted by the Advisory Committee;
4. to consider, in the event that the Governing Body is unable to decide in favour of reducing the time elapsing between sessions, establishing an appropriate system for interim reporting between sessions of the Advisory Committee;

5. to request governments to encourage tripartite consultation at the national level on the follow-up to the decisions of the Advisory Committee, in accordance with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);
6. to request the Director-General to carry out studies and to organise, as appropriate, meetings of experts on the following subjects with regard to non-manual workers:
 - the nature, frequency and causes of occupational diseases, their prevention and social protection in relation thereto;
 - changes in employment patterns brought about by sophisticated technology, and in particular changes in the content of work of commerce and office workers;
 - periodic review of the impact of technology on employment: stability of employment and evolution of transfer of jobs, measures taken at the level of the undertaking and at the national and international levels;
 - conditions of employment and work of professional workers in industry;
 - specific problems of non-manual workers in the distributive trade.

Resolution (No. 86) concerning Salaried Inventors' Rights

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Recalling the resolution (No. 64) concerning the protection of salaried inventors, adopted by the Committee at its Sixth Session in 1967,

Considering the many similar resolutions on this subject adopted by the Advisory Committee at previous sessions,

Regretting, despite these resolutions, the continued lack of any significant progress on the part of the ILO in dealing with the problems of the protection of the salaried inventor;

Adopts, this twenty-second day of January 1981, the following resolution:

The Advisory Committee on Salaried Employees and Professional Workers invites the Governing Body of the International Labour Office:

1. to request the Director-General to prepare, in consultation with the World Intellectual Property Organisation, a report on the law and practice on the question of the protection of the salaried inventor;
2. to consider the desirability of placing this question on the agenda of an early session of the International Labour Conference with a view to adopting an international standard.

Resolution (No. 87) concerning Job Evaluation

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Recalling in particular the principle that remuneration should be fixed on the basis of such objective criteria as level of qualifications, degree of responsibility, job requirements, nature of the work and length of service,

Considering the rapidly increasing use of job evaluation systems as a means of determining individual remuneration,

Considering also the desirability of establishing internationally agreed criteria for wage determination including job evaluation systems so that they are genuinely objective and do not obstruct the normal process of collective bargaining,

Adopts, this twenty-second day of January 1981, the following resolution:

The Advisory Committee on Salaried Employees and Professional Workers invites the Governing Body of the International Labour Office to request the Director-General to carry out an international study on general criteria for determining the wages of non-manual workers, including the use of job evaluation systems.

Resolution (No. 88) concerning Multinational Enterprises

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Recalling the resolution (No. 80) concerning a programme of activities on multinational enterprises in the areas covered by the terms of reference of the Advisory Committee on Salaried Employees and Professional Workers adopted by the Committee at its last session,

Welcoming the adoption by the Governing Body in 1977 of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and its subsequent decision in 1980 to establish a Standing Committee of the Governing Body to consider the effect given to the Declaration,

Considering the growing need for the ILO to carry out research and information work on the activities of multinational enterprises, including collective bargaining practices,

Considering also the rapidly growing importance of multinational enterprises in the service sector, particularly multinational banks, insurance companies and commercial enterprises which are specifically within the scope of this Committee;

Adopts, this twenty-second day of January 1981, the following resolution:

The Advisory Committee on Salaried Employees and Professional Workers invites the Governing Body of the International Labour Office:

1. to request the Director-General to carry out a study of the operations of multinational enterprises in the areas covered by the terms of reference of this Committee requested in resolution No. 80, adopted at the last session, focusing special attention on the activities of the international banks;
2. to ensure that in the studies and actions undertaken by the ILO, the problems of salaried employees and professional workers are duly considered;
3. to ensure that tripartite consultation arrangements regarding follow-up of the Declaration are made in accordance with national law and practice, taking into account the aims of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152);
4. to ensure that the studies and activities concerning multinational enterprises are co-ordinated in an appropriate manner with those of the United Nations and other competent international organisations.

Resolution (No. 89) concerning the Conditions of Work and Employment of Professional Workers

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Considering the suggestions contained in the Compendium of principles and good practices adopted at the Tripartite Meeting on Conditions of Work and Employment of Professional Workers held in Geneva from 22 to 30 November 1977,

Noting that a wide dissemination of this Compendium amongst governments and employers' and workers' organisations has already taken place, and deserves to be continued,

Noting that professional workers play a key role in technical, economic and social development on account, not only of their numbers, but also, and even more, of the value of their knowledge and the responsibilities they bear in all sectors of activity and that this role confers on them a special position within the undertakings or organisations employing them,

Adopts, this twenty-second day of January 1981, the following resolution:

The Advisory Committee on Salaried Employees and Professional Workers invites the Governing Body of the International Labour Office:

1. to request the Director-General to continue to ensure that standards relating to freedom of association and to the right to collective bargaining and any other appropriate standards are applied to professional workers;

2. to invite the Director-General to consider ways and means of promoting the effective application of the provisions of the Compendium of principles and good practices relating to the conditions of work and employment of professional workers;
3. to invite the Director-General to co-operate, in conformity with paragraph 49 of the above-mentioned Compendium, with the competent United Nations bodies with a view to promoting the solution of the problem of the brain-drain from developing countries.

Resolution (No. 90) concerning Older Non-manual Workers

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Recalling its earlier conclusions and resolutions concerning the protection of older non-manual workers, and in particular the Conclusions (No. 75) concerning the problems and opportunities of employment and re-employment of older employees in commerce and offices,

Considering that the combined effects of the economic crisis and of technological progress are likely to affect to an increasing extent the situation of older non-manual workers,

Referring to the Older Workers Recommendation (No. 162), adopted by the International Labour Organisation at its 66th Session in 1980;

Adopts, this twenty-second day of January 1981, the following resolution:

The Advisory Committee on Salaried Employees and Professional Workers invites the Governing Body of the International Labour Office to instruct the Director-General to initiate a programme providing for the examination by a committee of experts of measures designed to promote the implementation, for the benefit of salaried employees and professional workers, of the Older Workers Recommendation (No. 162) as well as the Conclusions (No. 75) mentioned above, particularly as regards protection against loss of employment.

Resolution (No. 91) concerning Part-time Non-manual Work

The Advisory Committee on Salaried Employees and Professional Workers,

Having met in Geneva, in its Eighth Session, from 13 to 22 January 1981,

Considering that in a considerable number of countries where part-time non-manual work is applied, the workers concerned are disadvantaged in various ways (as regards social security, holidays, promotion, assignment to repetitive tasks and jobs without responsibility) and that in many countries they do not enjoy proportionally the same basic conditions of employment and work as full-time workers,

Considering that some undertakings have recourse to part-time workers who are not treated on the same footing as full-time workers as regards employment and working conditions,

Recalling the recommendations made by the Advisory Committee at its last two sessions in 1967 and 1974 to the effect that distributive workers regularly employed on a part-time basis should enjoy proportionally the same employment and working conditions as full-time workers,

Considering that the future reductions in hours of work may reduce the desire and requirement for part-time work,

Noting that the concept of part-time work differs from country to country,

Adopts, this twenty-second day of January 1981, the following resolution:

The Advisory Committee on Salaried Employees and Professional Workers invites the Governing Body of the International Labour Office to instruct the Director-General:

1. to carry out studies on the various forms of part-time work for non-manual workers and on their effects on the employment and working conditions and social security of these workers;
2. to submit, on the basis of the results of these studies, the necessary proposals for the adoption of an appropriate international instrument concerning conditions of employment and work of part-time employees, it being understood that the specific situation of non-manual workers would be taken into consideration.

**Classification of the Conclusions and Resolutions
Adopted by the Advisory Committee at Its
Seven Previous Sessions¹**

*Section I: Conclusions and resolutions,
or parts thereof, calling for action in
the different countries*

Group A: Conclusions and resolutions, or parts thereof, which are no longer of current concern

Group B: Conclusions and resolutions, or parts thereof, which for the time being would not appear to call for further information

Group C: Conclusions and resolutions, or parts thereof, on which further information is considered desirable

- No. 37 Resolution concerning non-manual workers and collective bargaining (Fourth Session).
- No. 39 Resolution concerning problems connected with the conditions of employment of technical and supervisory staff in industry, excluding management (Fourth Session).
- No. 49 Resolution concerning problems of women non-manual workers (Fifth Session).
- No. 50 Conclusions concerning the effects of mechanisation and automation in offices (Fifth Session).
- No. 57 Conclusions concerning the impact of social and economic development on working and living conditions in the distributive trade (Sixth Session).
- No. 58 Conclusions concerning aspects of human resources development policy affecting non-manual workers (Sixth Session).
- No. 71 Conclusions concerning conditions of work and life of employees in shops and offices (Seventh Session).
- No. 75 Conclusions concerning the problems and opportunities of employment and re-employment of older employees in commerce and offices (Seventh Session).

*Section II: Conclusions and resolutions, or parts thereof, to which effect is to be
given by the Office*

Group A: Conclusions and resolutions, or parts thereof, which are no longer of current concern to the Office

- No. 79 Resolution concerning the use of the German and Scandinavian languages in the Advisory Committee on Salaried Employees and Professional Workers (Seventh Session).

Group B: Conclusions and resolutions, or parts thereof, which should continue to receive the attention of the Office

- No. 40 Resolution concerning problems of salaried inventors (Fourth Session).
- No. 41 Resolution concerning the radius clause (Fourth Session).
- No. 43 Resolution concerning hospital and health service staff (Fourth Session).
- No. 44 Resolution concerning future action in the field of labour-management relations (Fourth Session).
- No. 59 Resolution concerning emigration of professional workers from the developing countries (Sixth Session).
- No. 60 Resolution concerning harmonisation and international recognition of degrees, diplomas and certificates of salaried employees and professional workers (Sixth Session).

¹ The following texts are outdated, superseded or implemented, or action on them has already been considered terminated at previous sessions of the Advisory Committee, or they are on matters which are no longer within the Committee's terms of reference: 1-36, 38, 42, 45-48, 51-56, 63, 66-70.

- No. 61 Resolution concerning training, improvement and retraining of non-manual workers (Sixth Session).
- No. 62 Resolution concerning future activities of the International Labour Office with respect to non-manual workers (Sixth Session).
- No. 64 Resolution concerning the protection of salaried inventors (Sixth Session).
- No. 65 Resolution concerning the effects of technological developments on entertainment workers (Sixth Session).
- No. 72 Resolution concerning international statistics on conditions of work for employees in shops and offices (Seventh Session).
- No. 73 Resolution concerning the effective application of certain international Conventions and Recommendations to workers in commerce and offices (Seventh Session).
- No. 74 Resolution concerning occupational safety and health in commerce and offices (Seventh Session).
- No. 76 Resolution concerning the effects of inflation on the retirement pensions of employees in commerce and offices (Seventh Session).
- No. 77 Resolution concerning the problems of older employees in commerce and offices (Seventh Session).
- No. 78 Resolution concerning future ILO activities relating to salaried employees and professional workers (Seventh Session).
- No. 80 Resolution concerning a programme of activities on multinational enterprises in the areas covered by the terms of reference of the Advisory Committee on Salaried Employees and Professional Workers (Seventh Session).
- No. 81 Resolution concerning handicapped workers (Seventh Session).

International Tripartite Meeting on Action against Apartheid

(Livingstone, Zambia, 4–8 May 1981)

CONCLUSION ADOPTED

54. It is evident from the foregoing discussion that a very considerable degree of attention was paid by participants at the Meeting to questions relating to future action concerning the elimination of apartheid and the assistance which might be given to its victims. Some of these proposals were based on earlier discussions at the International Labour Conference in June 1980, and reinforced the recommendations made by the Conference Committee on Apartheid on that occasion. The need for mandatory sanctions was specially stressed. It emerged quite clearly that there was general agreement on the need to continue to give effect to those recommendations and, where necessary, to augment them. Thus, the updating of the ILO's 1964 Declaration on Apartheid should take place, as envisaged, at the 67th Session of the International Labour Conference in June 1981, and there should be an evaluation by the Conference Committee on Apartheid of the action which had been taken by governments and employers' and workers' organisations for the elimination of apartheid as well as a strengthening of the co-operation between the ILO, the OAU and the United Nations Special Committee against Apartheid. An appeal was made to the member States to ratify the amendment to the Constitution of the ILO which would allow the expulsion of South Africa.¹ Some Employer members recalled their position as regards mandatory sanctions and underlined the need to specify that the ILO mandate was to act "in labour matters".

55. In relation to the action to be taken by the ILO itself, the discussion at the Meeting emphasised the need for co-ordinating and taking measures relating to assistance to the national liberation movements of southern Africa recognised by the OAU, and to the countries in the neighbourhood of South Africa or in the front line of the fight for the elimination of apartheid. Attention was constantly drawn to the position of workers in southern Africa, and to the necessity of improving the conditions in which they work and live.

56. Seen in this light it is possible to summarise the proposals which have emerged from the Meeting as *The Livingstone Proposals for Action against Apartheid*, which are as follows:

1. The solution to the problem of apartheid must take into account the total political implications of that system.

2. In relation to labour matters, the continued failure of South Africa to observe the basic principles and standards of the International Labour Organisation makes it all the more important that firm action be taken for the elimination of apartheid, and the Meeting thus calls for the implementation of the conclusions on action against apartheid as reflected in the report of the Committee on Apartheid of the 1980 Session of the International Labour Conference.

3. To this effect, the Meeting called on the ILO to strengthen its co-operation with the Organization of African Unity and with the United Nations, including the Special Committee against Apartheid, as well as with the other specialised agencies within the United Nations system.

In order to add to and intensify ILO action for the eradication of apartheid the following should, inter alia, be undertaken:

4. An increase in the resources made available from the ILO regular budget, and from external sources on a bilateral or multilateral basis, for enlarging the ILO's capacity to combat apartheid and to provide assistance to its victims.

5. The establishment of a voluntary fund for the workers of South Africa, to which contributions should be made regularly by ILO member States as well as by employers' and workers' organisations.

¹ Two constitutional amendments adopted in 1964 aimed, one at empowering the Conference to suspend from participation in its work any member State which had been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid; and the other at empowering the Conference to expel or suspend from membership any Member which had been expelled or suspended from membership of the United Nations.

6. The broadening of the scope of ILO assistance to liberation movements from southern Africa recognised by the OAU, in particular by the use of technical services in the fields of vocational training, labour administration, occupational safety and health, rural development, workers' education, co-operative development, equality of treatment for women workers and advice on the elimination of discriminatory labour legislation.

7. The establishment of a training institute for South Africa, designed more specifically for the promotion of manpower training and development.

8. Assistance to the States providing facilities for refugees from South Africa and Namibia at institutions of their own through the provision of equipment, expertise and fellowships.

9. The creation of training facilities and employment opportunities for refugees in their countries of refuge in such a way that their skills will be of immediate use and also of assistance to their countries of origin upon their return.

10. Co-operation with the governments of the States in the immediate neighbourhood of South Africa in devising and implementing policies which will enable them to reduce their dependence on South Africa, and in particular the supply of migrant labour to South Africa.

11. Assistance in the establishment of long-term solutions to problems involving migrant labour, including public works programmes and other labour-intensive forms of job creation; the provision, over the short term, of assistance to migrant workers through advice on negotiations concerning their terms and conditions of employment, and through enabling migrant workers to be more fully informed of their rights.

12. The expansion of the programme of information on apartheid in labour matters and other questions of direct concern to the workers of Southern Africa.

Memorandum of Understanding between the Executive Heads of the United Nations Environment Programme, the International Labour Organisation and the World Health Organization concerning Co-operation in the International Programme on Chemical Safety

PREAMBLE

1. Within the framework of their own respective constitutional mandates the Executive Heads of the United Nations Environment Programme (UNEP), the International Labour Organisation (ILO) and the World Health Organization (WHO), (hereinafter referred to as the Co-operating Organisations), have agreed to co-operate in the International Programme on Chemical Safety (IPCS) as described in Annex I¹ to this Memorandum.

PRINCIPLES OF CO-OPERATION

2. Under the authority of their respective Executive Heads, the Co-operating Organisations will actively promote the development of the IPCS through the appropriate channels in member States. They will endeavour to encourage collaboration at both national and international levels, and will seek to secure support for the IPCS, including the contribution of resources to it.

3. The Co-operating Organisations will endeavour to secure, in the fields of their interest, the participation of specialised institutions as lead or as participating institutions of the IPCS.

4. The Co-operating Organisations shall consult each other on reports on the programme that they may submit to their respective governing bodies.

SCOPE AND STRUCTURE OF THE PROGRAMME

5. The Co-operating Organisations agree that the programme objectives, contents and outputs as outlined in Annex I¹ shall be expanded whenever necessary. The programme will gradually be broadened to include the effects of chemicals on species other than man, on ecosystems and on natural and man-made resources.

6. The over-all direction of the development and implementation of the programme will be shared in the following manner:

- (i) The Programme Advisory Committee, whose functions are described in Annex I,¹ will operate in an advisory capacity to the Executive Heads of the Co-operating Organisations. The terms of reference and the composition of the Committee will be agreed upon by the Executive Heads.
- (ii) The Technical Committee, whose functions are described in Annex I,¹ composed of representatives of lead institutions, will operate in an advisory capacity to the Central Unit on the management and operations of the programme.
- (iii) The Intersecretariat Co-ordination Committee shall be established in accordance with this Memorandum and will be composed of representatives of the Executive Heads. Its main functions will be to ensure participation of the parties, and their co-operation; and to review and decide upon proposals and work plans including the substantive and budgetary aspects to be submitted to, or recommended by, the Programme Advisory Committee and the Technical Committee. It will also advise on and keep under review the staffing of the Central Unit.

7. The Central Unit, whose functions are described in Annex I,¹ will implement the programme on behalf of the Co-operating Organisations; it will operate under WHO rules and

¹ Not reproduced here.

procedures. Its staff will be supplemented as may be required by secondment of national staff and of staff of the Co-operating Organisations. The Central Unit will also draw upon the technical expertise of the Co-operating Organisations in specific programme areas. The head of the Central Unit will be authorised, after consultation with the Co-operating Organisations, to enter into specific agreements with lead and participating institutions regarding the implementation of the IPCS.

AREAS OF SPECIFIC COLLABORATION

8. The areas of specific participation of the Co-operating Organisations, including the provision of resources to IPCS, will be set out in annexes¹ to the present Memorandum, and may be revised from time to time by agreement of the Co-operating Organisations.

ENTRY INTO FORCE

9. This Memorandum shall enter into force upon signature by the authorised representatives of the Co-operating Organisations. Initially this Memorandum will be in force for a period of three years, after which it will be reviewed by the Co-operating Organisations.

10. This Memorandum may be amended at any time by mutual agreement of the Co-operating Organisations, in particular, in order to include other United Nations bodies and organisations with specific interest in chemical safety. Any Co-operating Organisation desiring to withdraw from this agreement may do so six months after notifying in writing the other Co-operating Organisations of its intent.

Done in Vienna, Austria, on 1 April 1980.

(signed)

M. Tolba,
Executive Director,
United Nations
Environment Programme.

(signed)

F. Blanchard,
Director-General,
International Labour
Office.

(signed)

H. Mahler,
Director-General
World Health
Organization.

¹ Not reproduced here

CORRIGENDUM

In *Official Bulletin*, Vol. LXIV, 1981, Series A, No. 2, Resolution V, paragraph 2, the words “preferably at the 69th Session,” should be added in the fourth line after the words “. . . an early Session of the Conference thereafter,”.