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1988

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INFORMATION

238th Session of the Governing Body of the International Labour Office

(Geneva, 16–20 November 1987)

The 238th Session of the Governing Body of the International Labour Office was held from Monday 16 to Friday 20 November 1987 under the chairmanship of Mr. M. V. Russomano (Government representative, Brazil).

The agenda was as follows:

1. Approval of the Minutes of the 236th and 237th Sessions.¹
2. Date, place and agenda of the 76th Session (1989) of the International Labour Conference.
3. Action on the resolutions adopted by the International Labour Conference at its 73rd Session (June 1987).
4. Matters arising out of the 74th (Maritime) Session of the International Labour Conference (September–October 1987).²
5. Record of the Fourth European Regional Conference (Geneva, 15–22 September 1987).
6. Report of the Committee set up to examine the representation made by Japanese trade unions under article 24 of the ILO Constitution alleging non-observance by Japan of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96).
7. Report of the Committee set up to examine representation made by the State Federation of Associations of Employees and Workers of the State Administration under article 24 of the ILO Constitution alleging non-observance by Spain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).
8. Report of the Committee on Freedom of Association.

¹ The Governing Body approved the Minutes.

² The Governing Body took note of the Office paper.

9. Reports of the Programme, Financial and Administrative Committee.
10. Report of the Allocations Committee.¹
11. Report of the Committee on Standing Orders and the Application of Conventions and Recommendations.
12. Report of the International Organisations Committee.
13. Report of the Industrial Activities Committee.
14. Report of the Committee on Operational Programmes.
15. Report of the Committee on Discrimination.
16. Report of the Committee on Multinational Enterprises.
17. Report of the Committee on Employment.
18. Report of the Working Party on Constitutional Amendments concerning Conference Delegations.²
19. International Institute for Labour Studies: Report on the 29th Session of the Board of the Institute.²
20. Composition and agenda of standing bodies and meetings.
21. Symposia, seminars and similar meetings.³
22. Report of the Director-General.

Supplementary reports:

- First Report of the Officers of the Governing Body: Complaint concerning the observance by Nicaragua of 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), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), made by delegates to the 73rd Session (1987) of the International Labour Conference under article 26 of the Constitution of the ILO;
- Second Report of the Officers of the Governing Body: Representation submitted by the Ontario Secondary School Teachers' Federation under article 24 of the ILO Constitution alleging non-observance by the Government of the USSR of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Employment Policy Convention, 1964 (No. 122);⁴
- Report of the Committee set up to examine the representation made by the Hellenic Airline Pilots' Association (HALPA) under article 24 of the ILO Constitution alleging non-observance by Greece of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105);
- Third Report of the Officers of the Governing Body: Expulsion of foreign workers by the Libyan Arab Jamahiriya;
- Membership of Poland in the International Labour Organisation;
- Appointment of Mr. Yú Renquan as Assistant Director-General;²
- Memoranda prepared by the International Labour Office in reply to requests for clarification concerning instruments adopted by the International Labour Conference.²

¹ No paper was before the Governing Body on this item.

² The Governing Body took note of the report.

³ The Governing Body took note of the Office paper.

⁴ The Governing Body postponed consideration of this report to a forthcoming session.

23. Programme of meetings.

24. Appointment of Governing Body representatives on various bodies.

*
* *
*

The following is an account of the action taken by the Governing Body on this agenda.¹

DATE, PLACE AND AGENDA OF THE 76TH SESSION (1989) OF THE CONFERENCE

The 76th Session (1989) of the International Labour Conference is to open on Wednesday, 7th June 1989, in Geneva.

Having regard to the standing items which will necessarily be before the Conference and to the items likely to be carried forward from the preceding session, the Governing Body decided that the agenda of the session would be as follows:

Standing items

- 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.

Items placed on the agenda by the Conference or the Governing Body

- IV. Partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107) (*second discussion*).
- V. Night work (*first discussion*).
- VI. Safety in the use of chemicals at work (*first discussion*).

The Conference will also have before it a Special Report on the Application of the Declaration concerning the Policy of Apartheid in South Africa, as updated by the Conference at its 67th (1981) Session.

ACTION ON THE RESOLUTIONS ADOPTED BY THE CONFERENCE AT ITS 73RD SESSION (JUNE 1987)²

Resolution concerning the International Year of Shelter for the Homeless and the role of the ILO

The Governing Body requested the Director-General—

- (a) when communicating the resolution to the governments of member States and, through them, to employers' and workers' organisations, to draw their special attention to operative paragraph 1 relating to national action;
- (b) to bear in mind the request made in operative paragraph 2 when preparing future programme and budget proposals and the Medium-Term Plan (1990–95);
- (c) to draw special attention to subparagraph (a) of operative paragraph 3 when communicating the resolution to the governments of member States and, through them, to employers' and workers' organisations;

¹ For a more detailed account see the set of papers and reports examined by the Governing Body, together with the approved minutes of the sittings, which contain a record of how decisions were taken.

² See also p. 12 below. For the texts of these resolutions see *Official Bulletin*, 1987, Series A, No. 2.

- (d) to consider the possibility of including in his proposals for the agenda of a future session of the International Labour Conference the revision of the Workers' Housing Recommendation, 1961 (No. 115);
- (e) to bear in mind the requests contained in subparagraph (b) of operative paragraph 3 when submitting proposals for future activities of the Office which are relevant to the objectives of the resolution.

Resolution concerning the 40th anniversary of the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Governing Body—

- (a) requested the Director-General, when communicating the resolution to governments, to draw their special attention to operative paragraphs 1 and 2 concerning the ratification and implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- (b) instructed the Director-General to seize the occasion of the 40th anniversary of the adoption of Convention No. 87 to take whatever action that may be possible and appropriate to strengthen the ILO's efforts in favour of the ratification and full implementation of Convention No. 87 by all member States.

Resolution concerning measures against drug and alcohol abuse in working and social life

The Governing Body requested the Director-General—

- (a) when communicating the resolution to governments and, through them, to employers' and workers' organisations, to draw their special attention, as appropriate, to the appeals contained in subparagraphs (a) to (d) of operative paragraph 1;
- (b) to utilise all means at the disposal of the Office to implement programmes along the lines indicated in the Office paper during the 1988–89 biennium, as well as to make proposals for further action under the Medium-Term Plan (1990–95).

RECORD OF THE FOURTH EUROPEAN REGIONAL CONFERENCE

(Geneva, 15–22 September 1987)

Conclusions and resolutions adopted by the Conference and suggested action by the Governing Body.¹

The Director-General was authorised to transmit the texts of the conclusions and resolutions adopted by the Conference to the governments of member States and, through them, to the national employers' and workers' organisations; and to the international organisations having consultative status.

*Conclusions concerning training and retraining—
Implications of technological change*

The Director-General was authorised to draw the attention of the governments of member States in the European region and, through them, that of national employers' and workers' organisations, to the conclusions on the training and retraining

¹ For the text of these conclusions and resolutions, see p. 21 below.

implications of technological change, so that they may take measures to give effect as appropriate to the recommendations contained therein.

Resolution concerning the strengthening of European dialogue on initial and continuous training and on retraining, taking account of technological change

The Director-General was requested to draw the attention of the governments of member States in the European region and, through them, that of national employers' and workers' organisations, to the requests contained in operative paragraph 1 of the resolution; and to bear in mind the requests contained in operative paragraph 2 of the resolution in executing current programmes and in preparing programme and budget proposals in the future.

Resolution concerning occupational safety and health

The Director-General was requested—

- (a) to draw the attention of the governments of all member States and, through them, that of national employers' and workers' organisations, to the appeals and recommendations contained in operative paragraph 1 of the resolution;
- (b) to take account of the suggestions contained in operative paragraphs 2 (a) to 2 (f) in executing current programmes and in preparing programme and budget proposals in the future;
- (c) to bear in mind the suggestion in operative paragraph 2 (g) of the resolution in preparing proposals for the agenda of future sessions of the General Conference.

Resolution concerning employment policy and environmental protection

The Director-General was requested to draw the attention of European governments and, through them, that of national employers' and workers' organisations, to the appeals and recommendations contained in operative paragraphs 1 and 2 of the resolution; and to bear in mind the suggestions contained in operative paragraph 3 in executing current programmes and in preparing programme and budget proposals in the future.

Resolution concerning migrant workers and their families in Europe

The Director-General was requested to draw the attention of the governments of all member States and, through them, that of national employers' and workers' organisations, to the appeals and recommendations contained in operative paragraphs 1 and 2 of the resolution, and particularly those in paragraph 2 (c); and to bear in mind the recommendations contained in operative paragraph 3 in executing current programmes and in preparing programme and budget proposals in the future.

Resolution concerning the need to promote co-operation between Europe and the developing countries, in particular Africa and the least developed countries in other regions, and the contribution of the ILO to solving their social and economic problems

The Director-General was requested to draw the attention of the governments of all member States in Europe and, through them, that of national employers' and workers' organisations, to the appeals and recommendations contained in operative paragraph 1 of the resolution, and particularly those in paragraph 1 (b); and to bear in mind the recommendations contained in operative paragraph 3 in executing current programmes and in preparing programme and budget proposals in the future.

*Resolution concerning the creation of enterprises and
the growth of employment*

The Director-General was requested to bear in mind the suggestions contained in operative paragraphs (a) and (b) of the resolution in executing current programmes and in preparing programme and budget proposals in the future.

Demographic development and social security

The Governing Body authorised the Director-General to transmit the text of the report of the Committee on Social Security set up by the Conference to the governments of member States and, through them, to the national employers' and workers' organisations, and requested him to take account of the views expressed in the report in executing current programmes and in preparing future programme proposals, and particularly in the preparation of the Medium-Term Plan for the period 1990-95.

REPORT OF THE COMMITTEE SET UP TO EXAMINE THE REPRESENTATION MADE BY
JAPANESE TRADE UNIONS UNDER ARTICLE 24 OF THE ILO CONSTITUTION ALLEGING
NON-OBSERVANCE BY JAPAN OF THE FEE-CHARGING EMPLOYMENT AGENCIES
CONVENTION (REVISED), 1949 (No. 96)

The Governing Body approved the report of the Committee, and declared the closure of the procedure initiated following the representation made by the Japanese trade unions concerned respecting the application by Japan of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96).

REPORT OF THE COMMITTEE SET UP TO EXAMINE THE REPRESENTATION MADE BY THE STATE
FEDERATION OF ASSOCIATIONS OF EMPLOYEES AND WORKERS OF THE STATE ADMINISTRA-
TION UNDER ARTICLE 24 OF THE ILO CONSTITUTION ALLEGING NON-OBSERVANCE BY SPAIN
OF THE DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (No. 111),
AND THE SOCIAL POLICY (BASIC AIMS AND STANDARDS) CONVENTION, 1962 (No. 117)

The Governing Body approved the report of the Committee, and in particular its conclusions, and declared closed the procedure initiated before the Governing Body as a result of the representation made by the State Federation of Associations of Employees and Workers of the State Administration alleging non-observance by Spain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).

REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

(253rd Report)

The Governing Body examined and adopted the 253rd Report of its Committee on Freedom of Association.¹

¹ The text of this report is reproduced in the *Official Bulletin*, Series B.

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

Programme and budget for 1986-87

Regular budget account and Working Capital Fund

The Director-General was authorised to submit proposals for any necessary transfers within the 1986-87 expenditure budget to the Chairman of the Governing Body for approval, in accordance with the usual practice, prior to the closing of the 1986-87 accounts in January 1988, subject to confirmation of the approval by the Governing Body at its 239th Session.

Financial questions relating to the International Institute for Labour Studies

The Governing Body endorsed the programme and approved the budget for the International Institute for Labour Studies for 1988 and 1989, and accepted a contribution to finance a fellowship.

Proposed 1988-89 budgets for extra-budgetary accounts

The Governing Body approved the 1988-89 expenditure and income budgets for the *International Social Security Association* (joint ILO/ISSA account) and the *International Occupational Health Information Centre (CIS)*, as well as the income and expenditure estimates for the *Inter-American Vocational Training Research and Documentation Centre (CINTERFOR)*.

Other financial and general questions

Banking facilities in the ILO: Conclusions of the Committee on Apartheid of the 73rd Session (June 1987) of the Conference

The Governing Body took note that the Committee had decided to set up a special working group on banking facilities, to be composed of three Government, three Employer and three Worker members, as follows:

Government members: Antigua and Barbuda; Italy; United Republic of Tanzania.
Substitute: Libyan Arab Jamahiriya.

Employer members: Mr. Georget; Miss Hak; Mr. von Holten. *Substitutes:* Mr. Durling; Mr. Owuor.

Worker members: Mr. Ahmed; Mr. Walcott; Mr. Zimba.

Convening of a tripartite conference to review action to be taken against apartheid

The Governing Body decided that the cost of the proposed conference, estimated at US\$340,000, be financed in the first instance by voluntary and extra-budgetary contributions, in the second instance by savings in Part I of the budget for 1988-89, or, failing that, be charged to Part II (Unforeseen expenditure).

Appointment of a Governing Body delegation to the meeting of the Joint Committee on the Public Service to be held in 1988

The Governing Body decided that, if it approved the recommendation of the Industrial Activities Committee,¹ a Governing Body delegation be appointed to the Fourth Session of the Joint Committee on the Public Service, the cost, estimated at

¹ See page 11 below.

US\$20,000, should be financed in the first instance from savings in Part I of the budget, or, failing that, should be charged to Part II (Unforeseen expenditure).

Personnel questions

13th Annual Report of the International Civil Service Commission

The Governing Body took note of the decisions of the International Civil Service Commission concerning staff entitlements, and decided that the cost of implementing the decisions of the Commission, estimated at US\$30,000 in 1986–87, be financed from savings in Part I of the budget, and that their cost in 1988–89, estimated at US\$435,000, be financed in the first instance from savings in Part I on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the 1988–89 biennium.

Report of the United Nations Joint Staff Pension Board

The Governing Body—

- (a) noted with satisfaction the improvements in the long-term real return on the Fund's investments;
- (b) expressed the hope, in line with the views previously put forward by the Governing Body, that the General Assembly would approve the UNJSPF Board recommendations concerning the interim measures to stabilise pensions in the local currency of participants of the Professional and higher categories, following the recent depreciation of the United States dollar;
- (c) requested the Director-General to submit a further paper on this matter at the Governing Body's 239th Session (February–March 1988) on the basis of the discussions on the matter at the 42nd Session of the General Assembly and any decision(s) the latter may take thereon.

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

Application of Conventions and Recommendations

Choice of Conventions and Recommendations on which reports should be required in 1989 and 1990 under article 19 of the Constitution

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

- in 1989: the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155);
- in 1990: the Paid Educational Leave Convention (No. 140) and Recommendation (No. 148), 1974; and the Human Resources Development Convention (No. 142) and Recommendation (No. 150), 1975.

REPORT OF THE INTERNATIONAL ORGANISATIONS COMMITTEE

Recent events in the United Nations system

International Conference on Drug Abuse and Illicit Trafficking

The Governing Body took note with satisfaction of the Vienna Declaration and the Recommendations regarding a Comprehensive Multidisciplinary Outline (CMO)

for future activities relevant to the problem of drug abuse and illicit trafficking, and instructed the Director-General to continue to give special attention to drug abuse control activities within the framework of the Declaration and the CMO.

*Co-operation between the ILO, FAO and IMO
on Fishermen's Training and Certification*

The Director-General was authorised to approve on behalf of the ILO the text of the FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification.

Report of the Tenth Session of the Joint ILO/WHO Committee on Occupational Health

The Governing Body—

- (a) took note of the report of the Tenth Session of the Joint ILO/WHO Committee on Occupational Health;
- (b) authorised the Director-General to communicate the report to governments and, through them, to employers' and workers' organisations, as well as to the non-governmental organisations with consultative status and to the institutions and services concerned;
- (c) invited the Director-General to take account of the proposals made by the Joint Committee at its Tenth Session when planning the Office's future programme of work.

REPORT OF THE INDUSTRIAL ACTIVITIES COMMITTEE

Eleventh Session of the Building, Civil Engineering and Public Works Committee¹

Effect to be given to the conclusions and resolutions of the Committee

The Governing Body authorised the Director-General—

- (a) to communicate the texts adopted by the Building, Civil Engineering and Public Works Committee at its Eleventh Session to governments, informing them that the Governing Body had taken note of the texts and requesting them to communicate these to the employers' and workers' organisations concerned; and to the international organisations of employers and workers concerned;
- (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 concerned to the Report and Conclusions (No. 95) concerning employment policy and job creation in and through the construction industry; and to the Report and Conclusions (No. 96) concerning measures to overcome obstacles to the observance of ILO standards in the construction industry.

Effect given to the conclusions and resolutions adopted at the previous sessions of the Building, Civil Engineering and Public Works Committee

The Director-General was requested—

- (a) 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 concerned, to the conclusions and resolutions mentioned in section I, group C, of the Classification;

¹ For the text of the conclusions and resolutions adopted by the Committee see below p. 32.

- (b) when planning the future programme of work of the Office, to continue to bear in mind the wishes expressed by the 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 and addressed to the Office.

Employment policy and job creation in and through the construction industry

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraphs 6, 10 and 12 of Conclusions No. 95.

Measures to overcome obstacles to the observance in the construction industry of ILO standards

The Director-General was requested, when planning the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraphs 14 and 15 of Conclusions No. 96.

The ILO contribution to the International Year of Shelter for the Homeless

The Director-General was requested, when communicating to governments the texts adopted by the Committee to draw their attention to the wishes expressed by the Committee in paragraph 1 (a) and (b) of resolution No. 97; and, when drawing up the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraph 2 of that resolution.

Multinational enterprises and social policy in the building, civil engineering and public works sector

The Director-General was requested, when communicating to governments the texts adopted by the Committee, to draw their attention to the wishes expressed by the Committee in paragraph 1 of resolution No. 98; and when drawing up the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraph 2 (a) and (b) of that resolution.

Future ILO activities in the field of building, civil engineering and public works

The Governing Body decided to bear in mind the wishes expressed by the Committee in paragraphs 1 to 4, 6 and the respective subparagraphs of the operative part of resolution No. 99; and to request the Director-General, when drawing up the future programme of work of the Office, to bear in mind the wishes expressed by the Committee in paragraph 5 of that resolution.

Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services¹

Effect to be given to the conclusions and resolutions of the meeting

The Director-General was authorised—

- (a) to communicate the report of the Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services, including the conclusions and resolutions adopted, to governments, indicating that the Governing Body had taken note of the report and requesting them to communicate it to the

¹ For the text of the conclusions and resolutions adopted by the meeting, see below p. 42.

employers' and workers' organisations concerned; and to the international employers' and workers' organisations concerned, also indicating that the Governing Body had taken note of the report;

- (b) to draw the special attention of governments and, through them, of the employers' and workers' organisations concerned, to the Conclusions on employment and conditions of work in water, gas and electricity supply services.

Freedom of association and the right to collective bargaining in water, gas and electricity supply services

The Director-General was requested to draw the attention of governments, when communicating the report of the meeting, to the wishes expressed in the operative part of this resolution.

ILO activities in the field of water, gas and electricity supply services

The Governing Body decided to bear in mind the wishes expressed by the meeting in operative paragraphs 1 and 2 of this resolution and draw the attention of governments, when communicating the report of the meeting, to the wishes expressed in operative paragraph 3; and to request the Director-General to bear in mind the wishes expressed by the meeting in operative paragraph 4 when preparing future Programme and Budget proposals.

Report on the 11th Session of the Intergovernmental Committee on the Rome Convention

The Governing Body—

- (a) took note of the report on the 11th Session of the Intergovernmental Committee on the Rome Convention;
- (b) requested the Director-General to ensure that the memorandum for the promotion of the Rome Convention be disseminated on a tripartite basis and be sent to all the government, employers' and workers' circles concerned;
- (c) invited the Director-General to bear in mind the advisability of taking up again the work undertaken by the ILO for the elaboration of international labour standards for the protection of performers, inter alia by providing for the convening of a meeting of experts.

Composition of the Fourth Session of the Joint Committee on the Public Service

The Governing Body—

- (a) invited the following 20 countries to send a representative to the Fourth Session of the Joint Committee on the Public Service: Argentina, Australia, Barbados, Brazil, China, France, Ghana, Hungary, India, Japan, Jordan, Netherlands, Niger, Nigeria, Portugal, Sudan, Tunisia, USSR, United States and Venezuela;
- (b) included the following countries in the reserve list: Guinea, Morocco (Africa); Costa Rica, Mexico (Americas); Pakistan, Philippines (Asia); Czechoslovakia, Federal Republic of Germany (Europe);
- (c) set the deadline for the acceptance of invitations at 31 May 1988;
- (d) provided for the attendance of a tripartite Governing Body delegation at the meeting.

REPORT OF THE COMMITTEE ON OPERATIONAL PROGRAMMES

Action on the resolution concerning the role of the ILO in technical co-operation, adopted by the Conference at its 73rd Session (June 1987)

The Director-General was requested—

- (a) to communicate the resolution concerning the role of the ILO in technical co-operation to the governments of member States, and through them to employers' and workers' organisations, and to draw their special attention to the Conclusions appended thereto;
- (b) when making proposals for the agenda of the Conference in the future, to bear in mind the request made in paragraph 7 of the Conclusions for a review of the ILO's technical co-operation programme and its effectiveness by the Conference every five years;
- (c) to take full account of the resolution and the Conclusions in the future development of the technical co-operation programme, to keep the Committee informed of the follow-up action taken through the periodic report submitted to it and to seek the Committee's guidance on relevant issues as necessary.

REPORT OF THE COMMITTEE ON DISCRIMINATION

Effect to be given by the Governing Body to the Conclusions of the Committee on Apartheid at the 73rd Session (June 1987) of the Conference

The Governing Body decided—

- (a) to include the question of the updating of the Declaration on Apartheid in the agenda of the 75th Session (1988) of the International Labour Conference;
- (b) to convene a tripartite conference on action against apartheid in a front-line State in April or May 1988 and to determine the composition of the proposed conference on the same basis as for the tripartite conference held in Lusaka in May 1984;
- (c) that the agenda of the proposed conference should comprise the questions recommended by the Conference Committee on Apartheid.

REPORT OF THE COMMITTEE ON MULTINATIONAL ENTERPRISES

Follow-up to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

The Governing Body adopted a report form, as amended by the Committee, for the fourth government survey on the effect given to the Declaration, covering 1986, 1987 and 1988, and decided that the questionnaire should be dispatched in the first quarter of 1988 so that replies would be returned to the ILO by 28 February 1989.

Updating of references to Conventions and Recommendations in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

The Governing Body endorsed an Addendum to the Tripartite Declaration.¹

¹ The text of the Addendum is reproduced below; p. 50.

REPORT OF THE COMMITTEE ON EMPLOYMENT

Overview of the employment situation in the world

The Director-General was authorised to publish the revised report under his own responsibility, after taking into account comments made in the discussion or transmitted in writing.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS

Standing Bodies

Committee of Experts on the Application of Conventions and Recommendations

The Governing Body reappointed, for a period of three years, the following members of the Committee of Experts on the Application of Conventions and Recommendations: Mr. Roberto Ago (*Italy*); Mr. Semion A. Ivanov (*USSR*); Mr. Arnaldo Lopes Sussekund (*Brazil*); Mr. Antti Johannes Suviranta (*Finland*); Mr. Boon Chiang Tan (*Singapore*).

It also appointed Mr. Katsuichi Ikawa (*Japan*) as a member of the Committee for a period of three years, and asked the Director-General to convey its gratitude to Mr. Akira Shigemitsu for the services rendered during his term of office.

Meetings

High-level Meeting on Employment and Structural Adjustment (Geneva, 23–25 November 1987)

The Governing Body took note of the following nominations approved by its Officers:

Governments:

Africa: Algeria, Botswana, Cameroon, Ghana and the United Republic of Tanzania;

Americas: Argentina, Brazil, Canada, Cuba and Venezuela;

Asia: Australia, India, Japan, the Philippines and the Syrian Arab Republic;

Europe: France, Hungary, Italy, Norway and Yugoslavia.

Employers:

Mr. J. Clark (*Australia*); Mr. M. Eurnekian (*Argentina*); Mr. H. Georget (*Niger*; Pan-African Employers' Confederation); Mr. U. Jakobsson (*Sweden*); Mr. A. Katz (*United States*; International Organisation of Employers); Mr. M. Nasr (*Lebanon*); Mr. J.-J. Oechslin (*France*; International Organisation of Employers); Mr. G. C. Okogwu (*Nigeria*); Mr. J. Santos Neves (*Brazil*); Mr. N. Tata (*India*; International Organisation of Employers).

Tripartite Meeting on Salaried Authors and Inventors (Geneva, 24 November–2 December 1987)

The Governing Body approved two nominations made after consulting the Workers' group.

Committee on Conditions of Work in the Fishing Industry (Geneva, 4–13 May 1988)

The Governing Body approved the nomination of seven members and 11 substitutes made after consulting the Employers' group.

REPORT OF THE DIRECTOR-GENERAL

Obituary

The Governing Body observed a minute of silence in tribute to the memory of *Mr. Gabriel Ventejol*, a former Chairman of the Governing Body, who until his demise had been representative of the Government of France. It asked the Director-General to convey its sympathy to the Government of France and to the family of Mr. Ventejol.

The Governing Body was informed of the death of three other personalities who had been closely associated with the work of the ILO. It paid tribute to their memory and asked the Director-General to convey its sympathy to the governments of their countries and their families. The deceased were: *Mr. Michel Wallin*, representative of the Government of Belgium on the Governing Body from 1981 to 1984 and a senior official of the International Labour Office from 1959 to 1981. *Mr. Gabriel Fogam (Cameroon)*, Worker member of the Governing Body and member of the Board of the Turin Centre from 1966 to 1974. From 1975 to 1985, he was Director of the ILO Area Office in Lagos. *Mr. Senjin Tsuruoka (Japan)* was a member of the Committee of Experts on the Application of Conventions and Recommendations from 1975 to 1981.

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On the occasion of the centenary of his birth, the Governing Body paid tribute to the memory of René Cassin, who had served as President of the United Nations Commission on Human Rights and was one of the authors of the Universal Declaration of Human Rights of 1948 and the International Covenants of 1966. In 1968 he was awarded the Nobel Peace Prize in recognition of his contribution to the cause of justice and freedom; his efforts had also strengthened ILO action, both directly and indirectly.

Composition of Governing Body committees

The Governing Body took note of the following changes:

<i>Allocations Committee:</i>	add:	China (as regular member)
<i>Committee on Standing Orders and the Application of Conventions and Recommendations</i>		
<i>Government group:</i>	add:	Lesotho (as regular member)
<i>Industrial Activities Committee:</i>		
<i>Employers' group:</i>	delete:	Mr. Rowe (as regular member)
<i>Committee on Operational Programmes</i>		
<i>Government group:</i>	add:	Lesotho (as regular member)
<i>Employers' group:</i>	add:	Mr. Rowe (as regular member)
<i>Committee on Employment</i>		
<i>Government group:</i>	add:	Greece, Malaysia (as regular members)
<i>Working Party on Constitutional Amendments concerning Conference Delegations</i>		
<i>Government group:</i>	add:	Cuba, Malaysia (as regular members);
	delete:	Malaysia (as substitute member)

First Report of the Officers of the Governing Body: Complaint concerning the observance by Nicaragua of 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), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), made by delegates to the 73rd Session (1987) of the International Labour Conference under article 26 of the Constitution of the ILO

Upon the recommendation of its Officers, the Governing Body decided that—

- (a) the Government of Nicaragua, as the Government against which the complaint had 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 January 1988;
- (b) the Governing Body should at its 239th Session consider, in the light of (i) the recommendations of the Committee on Freedom of Association in respect of the freedom of association aspects of the complaint received; (ii) the information which may be furnished by the Government of Nicaragua concerning the complaint; and (iii) the recommendations of the Committee on Freedom of Association concerning the cases already pending before it, whether the complaint as a whole should be referred to a Commission of Inquiry.

Report of the Committee set up to examine the representation made by the Hellenic Airline Pilots Association (HALPA) under article 24 of the ILO Constitution alleging non-observance by Greece of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)

The Governing Body—

- (a) approved the report, and in particular the conclusions set out in paragraphs 29 and 35, namely that the call-up of the pilots and flight engineers of Olympic Airways took place under conditions contrary to the provisions of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105);
- (b) invited the Government of Greece, bearing in mind the conclusions set out in paragraphs 30 and 36, to take the necessary steps to ensure that the relevant legislation, including in particular Legislative Decree No. 17 of 1974, is brought into line with the forced labour Conventions, as already requested by the Committee of Experts on the Application of Conventions and Recommendations; and to ensure that no judicial or administrative action is pursued which might involve the imposition of the penalties provided for by Legislative Decree No. 17 of 1974 on those concerned;
- (c) invited the Government of Greece to include in the reports it supplies under article 22 of the Constitution on the application of Conventions Nos. 29 and 105 full information on the measures taken, in accordance with the recommendations made above, to secure observance of these two Conventions, so as to enable the Committee of Experts on the Application of Conventions and Recommendations to follow the matter;
- (d) declared the closure of the procedure initiated as a result of the representation in question.

*Third Report of the Officers of the Governing Body:
Expulsion of foreign workers by the Libyan Arab Jamahiriya*

Upon the recommendation of its Officers, the Governing Body decided that the representation procedure should resume its course in accordance with article 24 of the

Constitution and the Standing Orders concerning the procedure for the examination of representations, and set up a committee with the following composition to examine the representation made against the Libyan Arab Jamahiriya:

Government member: Mr. Zanou (*Benin*);

Employer member: Mr. Okogwu;

Worker member: Mr. Svenningsen.

Membership of Poland in the International Labour Organisation

The Governing Body took note of the exchange of letters between the Permanent Representative of the Polish People's Republic to the United Nations Office in Geneva and the Director-General concerning the decision of the Government of the Polish People's Republic to withdraw its notice of intention to cease the membership of that country in the ILO.

PROGRAMME OF MEETINGS

The Governing Body approved the following programme of meetings:

Programme for the remainder of 1987 and 1988

Date	Title of meeting	Place
1987		
23–25 November	High-Level Meeting on Employment and Structural Adjustment	Geneva
24 November– 2 December	Tripartite Meeting on Salaried Authors and Inventors	„
2–10 December	Third Tripartite Technical Meeting for the Clothing Industry	„
1988		
15 February–4 March	239th Session of the Governing Body and its Committees	„
10–23 March	Committee of Experts on the Application of Conventions and Recommendations	„
13–21 April	Coal Mines Committee (Twelfth Session)	„
April or May	Tripartite Conference on Action against Apartheid	A front-line State
4–13 May	Committee on Conditions of Work in the Fishing Industry	Geneva
23–28 May and immediately after the Conference	240th Session of the Governing Body and its Committees	„
1–22 June	75th Session of the International Labour Conference	„
5–13 October	Chemical Industries Committee (Tenth Session)	„
17–25 October	Tripartite Symposium on Working Time Issues in Industrialised Countries	„
18–27 October	Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers	„
7–18 November	241st Session of the Governing Body and its Committees	„
23 November– 1 December	Joint Committee on the Public Service	„
7–15 December	Metal Trades Committee (Twelfth Session)	„
To be determined	Seventh African Regional Conference	To be determined

APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

*Third Tripartite Technical Meeting for the Clothing Industry
(Geneva, 2-10 December 1987)*

The Governing Body appointed Mr. Prince (*Antigua and Barbuda*) as the Government member of its delegation and Chairman of the Meeting.

*Twelfth Session of the Coal Mines Committee
(Geneva, 13-21 April 1988)*

The Governing Body appointed the following members of its delegation:

Employer member: Mr. Nasr

Worker member: Mr. Ahmed

The Governing Body was informed that the Government member of its delegation, who would be the Chairman of the Committee, would be nominated at the 239th Session (February-March 1988).

Official Measures Taken regarding Decisions of the International Labour Conference¹

Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986²

Ratification

In accordance with article 3 of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986, the following ratification has been communicated to the Director-General of the International Labour Office:

State	Measure	Date received
Burundi	Ratification	9 October 1987

The total number of ratifications and acceptances is now 24.

¹ Period covered: 1 October 1987 to 31 December 1987.

² For the text of this Instrument, see *Official Bulletin*, 1986, Series A, No. 2, p. 60.

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			
Cyprus	Equal Remuneration Convention, 1951 (No. 100)	19 November 1987	19 November 1988
	Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)	13 November 1987	13 November 1988
	Labour Statistics Convention, 1985 (No. 160)	1 December 1987	1 December 1988
<i>Acceptance of all the articles of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>			
USSR	Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)	5 October 1987	5 October 1988
Yugoslavia	Occupational Safety and Health Convention, 1981 (No. 155)	15 December 1987	15 December 1988
	Workers with Family Responsibilities Convention, 1981 (No. 156)	"	"
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	"	"

State	Convention	Date of registration of ratification/declaration	Date on which ratification/ declaration will take effect
II. Declaration			
United Kingdom	Repatriation of Seamen Convention, 1926 (No. 23)		
	<i>Applicable without modification:</i> Anguilla, Bermuda, British Virgin Islands, Falkland Islands (Malvinas), Isle of Man	6 November 1987	6 November 1987
	<i>Decision reserved:</i> Montserrat, St. Helena	"	"
	Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)		
	<i>Applicable without modification:</i> Isle of Man	6 November 1987	6 November 1987
	<i>Decision reserved:</i> British Virgin Islands, Montserrat	"	"
	<i>Not applicable:</i> Anguilla, Bermuda, Falkland Islands (Malvinas), Gibraltar, Guernsey	"	"

DOCUMENTS

Fourth European Regional Conference

(Geneva, 15–22 September 1987)

CONCLUSIONS AND RESOLUTIONS ADOPTED

Conclusions concerning training and retraining—Implications of technological change

1. European countries are in the throes of a technological and structural transformation that is affecting all spheres of economic and social activity. While the repercussions of technological change vary from one country to another, the intensity of technological change is likely to increase for all countries.

2. That change requires a policy aiming at sustaining employment, reducing the gap between the highly skilled and the unskilled and also aiming at improving the quality of working life. Consultation and co-operation are essential for the development and implementation of such a policy.

3. Technological change has economic and social consequences as well as other implications. Many of these issues are inter-related. Thus, the introduction of new technologies is already influencing employment, working conditions, occupational patterns and work organisation. Training and retraining of workers for new technology should be part of an effort aimed at alleviating adverse effects while upgrading the quality and skill content of work. In this respect, the Human Resources Development Convention, 1975 (No. 142), and Recommendation (No. 150), provide guidance on the role of tripartism in formulating and implementing training policies and programmes. European countries which have not done so are urged to ratify Convention No. 142.

4. Policies on education, training and retraining for technological change should be forward-looking and should assess expected changes, and prepare present and future generations of the workforce to master the new technologies in a socially acceptable way. They must also take regional diversities into consideration and reflect local needs. An essential element of such policies is the promotion of equality of access to training and retraining and employment opportunities for male and female, young and older workers, paying particular attention to the needs of disadvantaged groups.

5. Education and training for technological change should constitute an integral part of European countries' economic and social policies. Adequate resources need to be provided to support such policies. Investment in people, properly applied, can promote their employability, adaptability and their individual self-reliance, and achieve a better qualified workforce that enables innovation in the enterprise and improves its comparative advantage. Unless European countries provide the necessary investment in education and training for new technologies, their capacity to innovate and to ensure a high quality of work and life may be seriously jeopardised.

6. Both sides of industry have an important role to play in preparing the workforce for technological change. Adequate consultation procedures need to be established to review the training and retraining implications of technological change. Joint approaches might also be considered where appropriate.

7. To face up to the demands of new technologies a close link must be established between the education and training systems and the world of work. All concerned should take an active part in the development of educational and training curricula. Arrangements should be made to enable users and providers of skills to exchange information about needs and priorities. Individuals should be enabled to adapt and develop their own skills in line with emerging needs.

8. The various elements of the education and training systems—educational establishments, training providers and enterprise-based training—should each play a role in developing the knowledge, skills and attitudes needed to master the new technologies. Thus, the education system has the prime responsibility for developing the base of a European technological culture. Through initial training, upgrading and recurrent training programmes, training institutions are best suited to transmit the basic knowledge required to use and develop the new technologies and to promote equality of access to training. Enterprises, in turn, have the advantage and capability of training for specific work. Reacting more promptly to changes in technology and markets, enterprises have a clear advantage in training for very precise but shifting skill profiles. All concerned should recognise the possibility of reducing unemployment through provision of facilities for education, training and retraining.

9. There are no universal rules for financing education and training. While the financing of the broader and more general modes of education is normally borne by public funds, the cost of specific training offered by enterprises is borne by the latter. There is much scope for developing satisfactory arrangements combining public and private finance which may differ from one country to another. The role of public authorities is likely to increase where the education and training concerned does not meet the specific needs of the enterprise. In this context, it might be recalled that the Paid Educational Leave Convention, 1974 (No. 140), sets out the desirability of providing paid educational leave.

10. European countries will have a better base for technological innovation if they strengthen the scientific and technological content of primary and secondary education. Technological elements should nevertheless be integrated in broad and relevant curricula. Schools should familiarise the students with the use of scientific methods and technological tools, including computers. Students should be made more aware of the implications of the use of technology in society. A particular effort should be undertaken to improve the knowledge and skills of teachers and to ensure that there are sufficient adequately qualified teachers to meet the demands of technological change. Teachers should have continuous access to training opportunities in institutions and enterprises so that they can keep abreast of the latest industrial and technological developments. Sufficient funds should be made available to replace obsolete equipment and software and equip schools with up-to-date educational technology.

11. Training institutions should review their training objectives so that they emphasise creativity, flexibility and the ability to adjust to rapidly changing work requirements. By developing individuals' capabilities "to learn to learn", training should enhance their ability to respond to technological innovation and to changes in the labour market; training should also promote the ability to work in a team.

12. European countries should consider introducing changes not only in education and training curricula, but also in the methodology used. A variety of new training media might also be introduced. Video, TV and distance education and training offer, often in combination, the potential to increase the effectiveness of education and training, and the numbers that can be reached.

13. Training institutions should pay particular attention to the needs and priorities of those small and medium-sized enterprises which cannot afford to organise their own training programmes. They should design and implement special programmes for small and medium-sized enterprises. These might make use of distance learning techniques and action learning. Training may also be combined with consultancy services.

14. Enterprises will continue to play a major role in the provision of training and retraining. Consideration should be given to co-operation by all concerned in designing training programmes at enterprise and sectoral level. Small and medium-sized enterprises might also consider pooling their resources to establish joint training centres. Such centres may warrant some public funding. It might also be useful to draw upon the experience of those European countries where joint funds and protocols have been set up at various levels.

15. There should be a concerted effort by training authorities and individual training institutions to link institutional training to the world of work and to its needs. To this end, training authorities and institutions should:

- (a) encourage collaboration with enterprises; this should help to foster trainees' understanding of technology and industrial practice and create positive attitudes towards work; it should enable training institutions to design and implement technological projects for use in all sectors of the economy, and would benefit the development of curricula and educational

materials; such collaboration would also help training institutions keep their laboratories and workshops up to date:

- (b) invite enterprises to encourage their staff to take up teaching positions; teachers should also be encouraged to work in enterprises in order to broaden their practical experience;
- (c) collaborate with enterprises to define their training objectives and develop training curricula, methods and technology which meet needs of the various sectors of the economy; employers and workers should play an active role on the governing bodies of training institutions.

16. Frequent and systematic evaluation of training for technological change is essential. Each country will find its own method but it is necessary to recognise the need for regular assessment of the effects of economic, social and technological change on all aspects of employment in order to formulate objectives for training policies.

Resolution concerning the strengthening of European dialogue on initial and continuous training and on retraining, taking account of technological change

The Fourth European Regional Conference of the International Labour Organisation, Having met in Geneva from 15 to 22 September 1987,

Reaffirming the major responsibility of the International Labour Organisation to ensure the provision of training as an essential condition for productive and freely chosen employment, equality and social security for all workers, as defined in its Constitution and in the Declaration of Philadelphia,

Recalling the resolution concerning workers' access to education and the role of the ILO adopted by the International Labour Conference at its 72nd Session in 1986,

Recalling the resolution concerning young people, adopted by the International Labour Conference at its 72nd Session in 1986, which called in particular for young people to be equipped, through initial training, retraining and continuous training, to cope with technological and occupational change,

Emphasising the conclusions concerning the promotion of small and medium-sized enterprises, adopted at the 72nd Session of the International Labour Conference in 1986, which in particular call for the dissemination of information on appropriate technology for small and medium-sized enterprises and for the training of managers and workers in its application.

Stressing that technological change requires efficient structures for the acquisition of skills which meet the need for all to have broad access to initial and continuous training, in order to satisfy the conditions that are essential for the introduction of new technology and to accelerate the process of innovation;

1. Invites the Governing Body of the International Labour Office to request the European member States of the ILO:

- (a) in formulating their economic and social strategies, to give very close attention to ensuring that employment and vocational training take account of the requirements deriving from technological change;
- (b) in their bilateral and multilateral co-operation, to encourage the exchange of national experience in the organisation of their systems of initial and continuous training in keeping with the requirements of technological change, particularly in the European region.

2. Requests the Governing Body of the International Labour Office to instruct the Director-General:

- (a) to strengthen the activities of the International Labour Office aimed at adapting initial and continuous training to the requirements of technological change;
- (b) to instruct the competent branches of the Office to study the experience acquired by European member States in initial and continuous training in keeping with the requirements of advanced technology, to compile systematically all information on the subject and to make such information available to member States so as to encourage exchanges of experience;
- (c) to take due account of the issue of initial and continuous training in the context of scientific and technical progress, in all activities specific to the European region, when preparing the

Medium-Term Plan for the period 1990–95 and the ILO's Programme and Budget for the 1990–91 biennium;

- (d) to convene in the near future a tripartite meeting to examine the impact which technological changes have had on employment; their consequences for work organisation and job content, and the steps taken by governments and by employers' and workers' organisations in the field of training and retraining to respond to the situation;
- (e) drawing on the wealth of experience acquired chiefly by the European countries but also by other industrialised countries, to prepare a guide-book on initial and continuous training for the development of new technological skills.

Resolution concerning occupational safety and health

The Fourth European Regional Conference of the International Labour Organisation,
Having met in Geneva from 15 to 22 September 1987,

Recalling the resolution concerning the improvement of working conditions and environment and the conclusions concerning future action in the field of working conditions and environment, adopted at the 70th Session of the International Labour Conference, in 1984,

Recalling also the resolution concerning the promotion of measures against risks and accidents arising from the use of dangerous substances and processes in industry, adopted at the 71st Session of the International Labour Conference, in 1985,

Considering the general survey on safety in the working environment prepared by the Committee of Experts on the Application of Conventions and Recommendations for the 73rd Session of the International Labour Conference, in 1987,

Recognising that the overall number of work accidents and occupational diseases in European member States has been reduced considerably over the last decades as a result of appropriate efforts,

Considering that the development of modern techniques and technologies is, on the one hand, conducive to raising labour productivity, improving conditions of work and eliminating hard physical labour and forms of work that are dangerous for health and life and, on the other hand, may result in the appearance of new occupational hazards,

Noting with concern, however, that new production methods, involving the introduction of new technologies and the use of dangerous substances as well as the hazards connected with radiation and biotechnology, may result in increased occupational risks for the workers,

Underlining the need for exercising better supervision over the use of dangerous substances and for systems of occupational health and safety and labour inspection to be further developed and strengthened,

Recognising that the active participation of workers and employers, their representatives, their organisations or both where appropriate, constitutes an essential factor in health protection and accident prevention (independently of individual responsibilities in this matter) as well as for the improvement of working conditions and the working environment,

Stressing the role played by training and information in preventing adverse consequences of the application of new technologies,

Emphasising the importance of observing international labour standards on occupational safety and health and of the International Programme for the Improvement of Working Conditions and Environment (PIACT),

Being convinced that the application of new occupational safety and health measures would enable further progress to be made in safety and health at work,

Considering that the development of progressive occupational safety and health measures would have economic advantages and that an international exchange of experiences could result in reducing the costs of developing such new measures,

Recognising the need to activate co-operation among governments and employers' and workers' organisations of the European region with regard to forecasting and preventing adverse consequences of new technologies for the health of workers,

Underlining the importance of expanding and strengthening co-operation among European countries in preventing accidents and occupational diseases;

1. Invites the Governing Body of the International Labour Office to call upon all member States:

- (a) to ensure within the framework of their national policies that effective legislative, technical, economic and social measures are taken with a view to establishing and maintaining favourable working conditions in respect of safety and health, particularly when introducing new technologies;
- (b) to ratify and apply effectively the international labour instruments specifically related to occupational health and safety and to give effect to the provisions and guide-lines contained in the relevant codes of practice;
- (c) to create conditions conducive to the establishment and extension of occupational safety and health services and also promote the establishment of inter-enterprise services for small and medium-sized enterprises;
- (d) to continue to develop training and retraining programmes for safety engineers and occupational health physicians and to promote the training of safety delegates and works council members in occupational safety and health questions;
- (e) to assemble data concerning occupational health and safety experiences in the development, introduction and application of new technologies in particular fields of activity and to evaluate these data from the point of view of occupational safety and health;
- (f) to carry out further research in the occupational safety and health field on the effects of bio-technology and genetic technology on workers' health;
- (g) to evaluate data concerning medical findings on work-related illnesses with a view to developing guide-lines for the prevention of such illnesses;
- (h) to make use of the International Occupational Safety and Health Hazard Alert System for international exchanges on new issues and information relating to the protection of workers' health;
- (i) to take special measures for the safe use and replacement, whenever possible, of those highly hazardous substances and processes that have harmful effects on the health of workers concerned or on the general environment, and to disseminate information on experience in preventing these hazards.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General:

- (a) to continue to strengthen the International Labour Office's standard-setting activities for the improvement of the working environment and occupational health and safety;
- (b) to strengthen the activities of the International Labour Office relating to the preparation of manuals, teaching materials and training programmes aimed at training workers in the use of safe working methods;
- (c) to intensify the work of the departments and branches of the International Labour Office in collecting, analysing and disseminating information concerning the impact of new technologies on occupational safety and health, taking into account the recommendations of the Tripartite Ad Hoc Meeting of Special Consultants on Methods of Prevention of Major Hazards in Industry (October 1985);
- (d) to take due account in the Office's programme of work on the protection of workers' health in the application of new technologies and, in particular, bio-technology;
- (e) to devote particular attention, in collaboration with the World Health Organization, to the field of work-related illnesses with a view to their early identification and the adoption of technical, organisational and personal preventive measures;
- (f) to convene a tripartite meeting or seminar of specialists in the field of occupational safety and health on problems of safety in the use of industrial robots and computer equipment;
- (g) to review the schedule of occupational diseases appended to the Employment Injury Benefits Convention, 1964 (No. 121), which was last revised in 1980, and to submit an appropriate recommendation to the Governing Body on the basis of the state of knowledge in member States, with a view to including in the agenda of the International Labour Conference an item relating to the consideration and adoption of a new revised schedule.

Resolution concerning employment policy and environmental protection

The Fourth European Regional Conference of the International Labour Organisation,
Having met in Geneva from 15 to 22 September 1987,

Noting with concern that, despite the creation of new jobs, the unemployment situation is unacceptably high in most European countries and that serious long-term unemployment is affecting many categories of workers,

Recalling the Preamble of the Constitution of the International Labour Organisation and the Declaration of Philadelphia which affirms 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",

Bearing in mind article 23 of the Universal Declaration of Human Rights which states that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment",

Considering that the achievement in practice of the right to freely chosen work is a necessary condition for society's economic and social progress,

Considering that international détente, the development of economic co-operation and mutually advantageous trade, and the implementation of measures to promote employment are prerequisites for lasting peace and the solution of social problems in the interests of the workers and peoples of the European continent,

Considering that new technologies are being introduced in many countries and affirming that this requires careful consideration and examination of consequences for the labour market,

Emphasising that in structural adjustment, effective tripartite co-operation is of fundamental importance,

Convinced that through judicious policy measures at the national and international level a positive link can be established between the requirements of environmental protection and employment creation,

Considering that only employment compatible with health and a sound environment is practicable employment for the future,

Considering that environmental protection measures at the national level are essential but not sufficient, since pollution does not stop at national borders, and that therefore close international co-operation is also needed to protect the environment and to ensure a positive effect of environmental measures on employment,

Having noted the publication in April 1987 of the report of the World Commission on Environment and Development, entitled *Our common future*;

1. Invites the Governing Body of the International Labour Office to call upon the governments of European member States to:

- (a) promote effective policies aimed at full employment, fully implementing the Employment Policy Convention, 1964 (No. 122), and Recommendation, 1964 (No. 122), and the Employment Policy (Additional Provisions) Recommendation, 1984 (No. 169);
- (b) stimulate private and public investment taking into account the requirements and employment-creating potential of environmental protection and encourage investments in key areas, such as clean air, soil and water programmes, public transport, rational use of energy, waste disposal, recycling of used materials, environment supervision, nature preservation, countryside protection, improvement of housing areas, which would create jobs as well as protect the environment;
- (c) stimulate the industrial restructuring of enterprises which constitute a burden on the environment in order to enable them to attain the necessary environmental standards as rapidly as possible and at the same time, as far as possible, to maintain or increase the number of jobs through the restructuring process;
- (d) strengthen European and international co-operation in the fields of environmental protection and improve co-ordination of economic policies for full employment, in particular in order to reduce and, as much as possible, eliminate transborder pollution, as well as to prevent or minimise the environmental effects of industrial accidents.

2. Invites the Governing Body of the International Labour Office to urge the governments and employers' and workers' organisations of the European member States to pursue, through

effective tripartite machinery, employment promotion as a priority objective together with the humanisation of work and a clean and healthy environment.

3. Invites the Governing Body of the International Labour Office to instruct the Director-General:

- (a) to intensify action to assist member States in their economic and social development, particularly in promoting job creation;
- (b) to prepare a study analysing the obstacles encountered by member States in achieving full employment and maintaining income levels;
- (c) to undertake a study into the inter-relationship between environmental protection and sustainable development and employment creation, the results of which should be presented to a tripartite meeting of experts for the formulation of appropriate guide-lines.

Resolution concerning migrant workers and their families in Europe

The Fourth European Regional Conference of the International Labour Organisation,
Having met in Geneva from 15 to 22 September 1987,

Recalling the Preamble to the Constitution of the ILO which calls for the protection of the interests of workers when employed in countries other than their own,

Recalling the Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised) (No. 86), 1949, the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Migrant Workers (Supplementary Provisions) Convention (No. 143) and Migrant Workers Recommendation (No. 151), 1975, and the Maintenance of Social Security Rights Convention (No. 157), 1982 and Recommendation 1983, (No. 167).

Welcoming the constructive role played by the ILO in the efforts undertaken by the United Nations General Assembly for the preparation and formulation of an International Convention on the Protection of the Rights of All Migrant Workers and their Families,

Considering that the so-called second-generation migrants in Europe, estimated at 4.5 million young people, constitute an important group in need of special programmes for their benefit with a view to ensuring that full use is made of the potential of this young population,

Considering the particular problems and conditions experienced by migrant workers involved in project-tied work in foreign countries,

1. Invites the Governing Body of the International Labour Office to urge all European member States of the ILO:

- (a) to ratify the Migration for Employment Convention (Revised), 1949 (No. 97), the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Maintenance of Social Security Rights Convention, 1982 (No. 157), and, in any event, to ensure that the principles laid down in these Conventions are observed;
- (b) to implement the Migration for Employment Recommendation (Revised), 1949 (No. 86), the Migrant Workers Recommendation, 1975 (No. 151), and the Maintenance of Social Security Rights Recommendation, 1983 (No. 167), and to give full effect to the provisions related to the protection of migrant workers contained in the Declaration of Principles and Programme of Action adopted by the World Employment Conference as well as in the resolution concerning its follow-up (1979);
- (c) to seek to ensure that the proposed International Convention on the Protection of the Rights of All Migrant Workers and their Families fully reflects the basic principles and provisions laid down in the relevant ILO instruments, as well as to secure the ILO's effective participation in the supervising and monitoring procedures that are to be set up in the context of this Convention;
- (d) to ensure that all legal measures and other provisions against racial discrimination apply equally and effectively to migrant workers and their families as to nationals.

2. Invites the Governing Body of the International Labour Office to appeal to all European member States of the ILO, in pursuance of the objectives and provisions of ILO standards and policies, to protect migrant workers and their families from difficulties and distress, and with this in view:

- (a) to grant to legally admitted migrant workers full equality of opportunity and treatment in respect, in particular, of security of employment, employment placement services, the provision of alternative employment, relief assistance, training and retraining, and unemployment compensation;
- (b) to permit and facilitate the reuniting of the families of all migrant workers legally residing within their territories, especially by taking measures for the provision of adequate housing for migrant workers, by promoting education and training for their spouses and children, and by removing restrictions on their employment;
- (c) to intensify measures aimed at integrating migrants' children within the educational and training systems and—in co-operation with employers' and workers' organisations—to encourage by all appropriate means the participation of these young people in the social, cultural and civic life of the societies in which they live;
- (d) to develop closer co-operation between the countries of residence and the countries from which the parents of these young people originate, in order to strengthen the dialogue between the countries concerned, particularly as regards better co-ordination of measures and activities for their benefit.

3. Invites the Governing Body of the International Labour Office to request the Director-General:

- (a) to carry out, in the light of the principles referred to in this resolution, on the basis of the most significant migratory flows, a comparative and up-to-date law and practice study on the conditions for the provision, extension and withdrawal of work and/or residence permits, as the case may be, in accordance with national legislation, with a view to the adoption of appropriate rules of conduct;
- (b) to continue to include in his programme for migrant workers studies and pilot projects on the conditions of work and life of the families of migrant workers, including second-generation migrants, with a view to removing the obstacles to their integration into the professional and social lives in the countries of residence, while enabling them to preserve their cultural identities;
- (c) to co-operate with other competent international and regional organisations in the elaboration, updating and dissemination of a programme of information for use in schools and by the mass media with a view to making the cultures, values and traditions of the countries of origin of migrant workers as well as of the latter's indisputable contribution to the development, the welfare and the cultural life in their countries of employment, more widely known and understood;
- (d) to prepare a survey on the labour and social security standards applied to workers engaged in project-tied work and to examine the possibility of drawing up international guide-lines on the basis of the relevant international labour standards for the securing of adequate working conditions for workers engaged in project-tied work abroad.

Resolution concerning the need to promote co-operation between Europe and the developing countries, in particular Africa and the least developed countries in other regions, and the contribution of the ILO to solving their social and economic problems

The Fourth European Regional Conference of the International Labour Organisation,
Having met in Geneva from 15 to 22 September 1987,

Recalling the Declaration of Philadelphia concerning the aims and objectives of the ILO, which states that poverty anywhere constitutes a danger to prosperity everywhere and advocates that measures be taken on both the national and the international level to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products and to promote international trade,

Considering that in the present circumstances problems relating to employment as well as to other issues affecting the world of labour are subjects of major concern in both industrialised and developing countries and are closely linked to economic and development problems,

Noting the serious economic and social difficulties faced by a number of regions in the world, and in particular Africa and the least developed countries in other regions, and the efforts

made by a great many developing countries to take account of the transitional social cost of structural adjustment, particularly in Latin America,

Stating that protectionism, the levels of basic commodity prices and of financial transfers, the debt problem and their underlying causes as well as the extent of unemployment and underemployment constitute major obstacles in particular for the poor countries in the normal pursuit of their development,

Considering that the community of nations should seek through co-operation the ways and means to establish just and mutually beneficial relations between the developed countries and the Third World,

Convinced that the economic and social development of the Third World is vital for Europe and that this continent, considering its historical heritage, its progress in the fields of science and technology, and the relations, agreements and treaties it maintains with numerous countries, must play a key role in the field of co-operation in the economic, social and cultural sphere,

Conscious that the revitalisation of the economy, the reduction of unemployment and the solution of the economic and social problems affecting the workers should be pursued within the framework of a wider co-operation based on equal terms, conducted in an appropriate manner, supported by sufficient means and with the participation of the population through democratic procedures,

Affirming the solidarity of member States of the European region and of regional organisations in Europe with developing countries, particularly those in Africa and the least developed countries in other regions,

Recalling the Substantive New Programme of Action for the 1980s for the Least Developed Countries, adopted in Paris in September 1981 and endorsed by the General Assembly of the United Nations at its 36th Session,

Bearing in mind the Priority Programme for African Economic Recovery, 1986–90, adopted at the 21st Session of the Assembly of Heads of State and Government of the Organisation of African Unity in July 1985,

Taking account of the United Nations Programme of Action for African Economic Recovery and Development 1986–90, adopted at the 13th Special Session of the General Assembly of the United Nations on 1 June 1986,

Noting that the United Nations Programme of Action for African Economic Recovery and Development 1986–90 depends to a great extent on the determination and commitment of the international community to support and complement the efforts made by African countries themselves to implement the development programmes contained in the Programme of Action,

Recalling the resolution concerning the most urgent problems of Africa, and particularly food security, adopted by the 71st Session of the International Labour Conference in June 1985,

Noting that there is an overall similarity between the United Nations Programme of Action, which places emphasis on the fundamental role of human resources in Africa, and that adopted by the Governing Body of the ILO at its 229th Session in February 1985,

Considering that the ILO, by virtue of its social vocation, must play a prominent role in the implementation of that Programme of Action and that its experience in technical co-operation is long-standing, considerable and varied,

Considering also that both the ILO's tripartite structure and its standard-setting activities must be taken fully into consideration,

Bearing in mind the resolution and conclusions concerning the role of the ILO in technical co-operation, adopted by the 73rd Session of the International Labour Conference in June 1987;

1. Invites the Governing Body of the ILO to issue an urgent appeal to all member States in the European region to:

- (a) adopt policies ensuring balanced economic and commercial relations with the developing countries;
- (b) maintain or increase, through their governments and their employers' and workers' organisations, the level of assistance that they provide—especially through the ILO—to the developing countries, particularly those in Africa and the least developed countries in other regions, with a view attaining the target of the United Nations to provide at least 0.7 per cent of the GNP as official development aid;

(c) take into consideration, in their co-operation policies, the social dimensions of development, by securing adequate means for the ILO, in particular, directly or through the UNDP so that it can truly adapt its programme of technical co-operation to the priority needs of the rural and urban population;

(d) help to strengthen, by their short-, medium- and long-term assistance, the capacity of African, Latin American and the least developed countries of other regions to ensure through their own efforts economic and social development.

2. Recommends that the International Labour Organisation accord particular attention to the needs of the least developed countries in the African and other regions so as to enable them to attain the objectives of their country programmes in the context of the Substantive New Programme of Action for the 1980s for the Least Developed Countries.

3. Invites the Governing Body of the International Labour Office to request the Director-General:

(a) to carry out studies concerning co-operation between Europe and the Third World in relation to questions coming within the sphere of competence of the ILO and covering:

(i) the means and forms of co-operation with developing countries in the fields of labour administration, standards, employment, vocational and technical training, priority action in the educational sector, support of food policies, rural development, promotion of co-operatives, handicrafts industry, small and medium-sized enterprises, and tourism;

(ii) the analysis of the problems that impede the promotion and efficiency of ILO technical co-operation, the determination of the priority needs of the various countries and suggestions for appropriate forms of co-operation between Europe and the Third World for development;

(b) to strengthen the link that exists between technical co-operation and international labour standards, which are the two principal means of action available to the ILO to further its objectives of progress and social justice and to help to give developing countries and in particular those of Africa and the least developed countries in other regions, better chances of ratifying and applying ILO instruments;

(c) to ensure closer relations between the ILO and the various regional and subregional international organisations in Europe with the following aims:

(i) to improve their understanding of the experience acquired by the ILO in technical co-operation and the possibilities for action that it can offer, either directly or through such training centres as the International Centre for Advanced Technical and Vocational Training in Turin;

(ii) to make known also the methodological aspects of its experience of technical co-operation in a great many fields, and particularly in relation to the situation of women, the informal sector, the struggle against poverty, and rural development;

(iii) to improve the co-ordination of the ILO's activities with those being made to assist Africa and the least developed countries in other regions by various organisations, in particular those of the United Nations system and those in the field;

(d) to continue the workers' education programmes and the programme of assistance to employers' organisations in developing countries.

Resolution concerning the creation of enterprises and the growth of employment

The Fourth European Regional Conference of the International Labour Organisation,
Having met in Geneva from 15 to 22 September 1987,

Convinced that the solution of the problems of unemployment and underemployment faced by many European countries requires in particular a climate that favours the efficient utilisation of individual skills, including management skills, and the development of the spirit of initiative and enterprise in the framework of an economic policy that encourages the creation of enterprises that are profitable in competitive markets,

Recalling in this connection the many resolutions adopted by various ILO bodies concerning productivity, the training of managerial staff and the creation of productive and

freely chosen employment, which invite member States to adopt appropriate economic policies, respecting the fundamental individual, collective, social and political rights enshrined in the international instruments of the ILO and the United Nations,

Stressing the obvious links between the development of a healthy and competitive economy and respect for social justice and democratic liberties,

Noting with satisfaction that the Programme and Budget of the ILO foresees a number of important activities relating to the development of the spirit of enterprise, to productivity in the public sector and in small and medium-sized enterprises, and to redeployment resulting from structural adaptation as well as studies and the tripartite symposium planned to be held in 1990 on various aspects of the labour market and its relation to levels of employment,

Noting that in order to be dynamic and to remain on the path towards lasting growth, economies should be capable of adapting their structures and that structural changes include the development of the spirit of enterprise and the dynamism of the labour market to adapt to new circumstances;

Invites the Governing Body of the International Labour Office to instruct the Director-General:

- (a) to promote and organise exchanges of experience between European countries that have adopted, as essential elements of their economic and employment policies, the promotion of the spirit of enterprise, dialogue between the social partners on labour market adaptability and the dissemination of modern management techniques, including the management of industrial relations based on freedom of association for employers and workers and the free operation of their associations, protected from all forms of political or other intervention or discrimination;
- (b) to accord high priority to studies dealing with the social consequences of structural adaptation in Europe and to the preparation and holding of the planned symposium on related aspects of the labour market and employment.

Building, Civil Engineering and Public Works Committee

(Eleventh Session, Geneva, 1-9 April 1987)

CONCLUSIONS, RESOLUTIONS AND CLASSIFICATION ADOPTED

Conclusions (No. 95) concerning Employment Policy and Job Creation in and through the Construction Industry¹

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 1 to 9 April 1987,

Adopts this ninth day of April 1987 the following conclusions:

General considerations

1. The construction industry has been badly affected by the slow-down in economic growth in most countries. Both output and employment in the construction industry have fallen dramatically in the majority of countries of the world during the last few years. Although there have been signs of an upturn in recent years in some countries, recovery has in many instances been restricted to certain areas within these countries; and where there has been an expansion of output, this has not always been sufficient to bring about or consolidate a permanent expansion in employment. It is of paramount importance to present a more optimistic picture of the industry and its future, and to rapidly develop adequate measures to attract young people into the industry. The assurance of good working conditions and the provision of increased training opportunities are now urgently required in order to meet the future needs of this wealth-producing industry.

2. Illegal practices are still prevalent in the industry and should be condemned. Such practices restrict the supply of legal labour available to employers and lead to a deterioration in the terms and conditions of work. Illegal practices deprive workers of their rights, deprive the State of tax revenue, and social welfare and insurance agencies of contributions, and lead to unfair competition among enterprises.

Investment in construction

3. In view of the social welfare mandate of the ILO, especially in the field of employment, the Committee was unanimous in stressing the importance of the construction industry and the need for increased investment in construction in all countries, both developed and developing. Investment is particularly needed for the provision of housing in this International Year of Shelter for the Homeless. Surveys should be conducted into existing housing provision and housing standards, in order to determine levels of satisfaction and seek out fresh needs. Efforts should be made to solve such major problems as the protection of the environment, the refurbishment of old buildings, urban development and redevelopment, infrastructure and the maintenance of historic monuments.

4. The special need to direct additional resources to the repair and maintenance of existing assets was recognised by the Committee in view of the urgent need and the employment-generating potential of this sector. Such investment must generally be cost-effective, although

¹ Unanimously adopted.

some investments might be justified on purely social grounds (such as the restoration of public monuments), and others may necessitate the provision of subsidies so that the poorer sections of the community, and especially those below the poverty line, may benefit from the facilities provided.

5. Governments clearly have an important role to play in bringing about increased investment in the construction industry. But strategies and policies to strengthen investment in construction differ from country to country. The industry should not in principle be used as a short-term economic regulator and public investment in construction should be based on construction programmes covering all construction needs. These programmes should in principle be developed on the basis of analyses and estimates made at the national, regional and local levels and drawn up in consultation with the workers' and employers' organisations. Local initiatives in this respect are important and should be encouraged; projects, even if conceived nationally, have to be implemented at the local level, and transfer of capacities and resources to the regions should be facilitated if required. In order to create the economic climate in which the industry can prosper, measures should be adopted to help bring about lower interest rates, to make appropriate changes in fiscal and land policies, etc. Basically, governments are responsible for elaborating an adequate employment policy.

6. With respect to investment in construction projects in developing countries, it is emphasised that there is great diversity between individual countries and regions with respect to the availability of resources—particularly construction technology, capital, labour and materials. All developing countries, however, have been badly affected by the slow-down in economic growth and by high unemployment; and the extension of the construction industry is severely restrained due to scarcity of resources. And in all countries there is now a very urgent need for investment in new development projects in order to provide a basis for the future development of their economies and of employment. Funds must be found for this task, and all potential sources of finance should be tapped. At the same time, the ILO should attempt, in its policies, to facilitate the transfer of construction technology and skills to the developing countries so that they may be able to develop their own resources and promote social progress.

Construction technology

7. With regard to the adoption of labour-based construction techniques in developing countries, fears were expressed that the use of such techniques might represent an increase in construction costs and a loss of quality as well as a backward step in the terms and conditions of the employment of labour. Subject to these reservations, the potential for the adoption of labour-based techniques should be fully investigated in the light of the particular circumstances of individual countries and projects. In many instances, these techniques would seem to be appropriate given the shortage of foreign exchange and the high levels of unemployment and underemployment.

8. Maximum use should be made of local building materials—in both the national and regional sense—for construction projects in developing countries. Policies in support of this objective should aim at employment generation as well as at the creation of viable local building materials industries. It was noted, however, that in the industrialised countries there were certain areas where international trade in building materials was essential.

9. The maintenance function is an area which is frequently neglected, especially in developing countries. Yet it offers tremendous potential for the creation of employment. In this area, governments have a clear responsibility. Governments of developing countries should formulate programmes for the provision of training in maintenance skills, and together with the employers, they should also educate clients on the importance of preventive maintenance routines. Training activity itself should involve employers' and workers' organisations. In-house training is also essential to ensure increased output without sacrificing the quality of working conditions.

10. Data bases should be established for the provision of information on appropriate materials, equipment and techniques to clients and to employers' and workers' organisations in the construction industry. The ILO should collaborate with appropriate international organisations in facilitating the exchange of data on the international, regional and national levels, and in dealing in this respect with the social, safety and health, and employment aspects.

Informal sector

11. In the developing countries, the informal sector clearly plays an important role in the provision of income to the poorest sections of the community. Employment in this sector should not be destabilised. Governments should take steps to curb the abuse of child labour, eliminate illegal labour practices and better control the informal labour market. At the same time, governments and employers' and workers' organisations should, as far as possible, ensure that women do not suffer discrimination in the working environment. The integration of the informal sector into the formal sector should be encouraged, a process in which employers' and workers' organisations clearly have an important role to play.

Development of an institutional framework for the construction industry in developing countries

12. In many developing countries, the institutional framework within which the industry operates is not well developed. In the industrialised countries, the traditional structure has worked well. The ILO can play an important role in making information on the models used in industrialised countries available to developing countries. The particular structure that is developed in each country has to be the responsibility of each country. Respect should be paid to local customs and cultures. In countries where co-operatives play or will play a central role, a policy for co-operatives should be developed.

13. Governments of developing countries, as major consumers of the products of the construction industry, have a specific responsibility for new procedures for the letting of contracts. New procedures and forms of contract should be clear concerning the responsibilities of all concerned in construction, and rules of conduct should be laid down by the State to ensure that due attention is paid to the observance of ILO standards.

14. National consultation on matters relating to construction should be encouraged and should be based as far as possible upon a tripartite system according to national practice.

Consultation

15. Governments should strive towards improved consultation with workers' and employers' organisations in the formulation and implementation of construction policies.

Conclusions (No. 96) concerning Measures to Overcome Obstacles to the Observance in the Construction Industry of ILO Standards¹

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 1 to 9 April 1987,

Adopts this ninth day of April 1987 the following conclusions:

General considerations

1. The Committee recognised that this first attempt to consider the question of international labour standards in general, and their role within the construction industry, afforded an opportunity to focus attention on the fact that the industry has many particular characteristics which may give rise to different types of problems for workers and employers in the industry. The problems differ according to the economic and social system in each country. Difficulties in the observance of ILO standards are encountered in all branches of economic activity including the construction industry. The question of the observance and implementation of ILO standards in the construction industry concerns and involves all those with interest in the industry: governments, employers, and workers.

2. There are several ILO standards of relevance to the industry dealing with many of the problems and providing guidelines for effecting improvements. A number of instruments have been adopted specifically to improve conditions of work and the working environment in

¹ Unanimously adopted.

construction. There are also instruments of more general application which, nevertheless, directly concern workers and employers in the construction industry. Furthermore, the significant importance of the industry has been recognised in several ILO instruments. There is in general a need for increased awareness of ILO standards and of the standard-setting procedure. There is also a need for increased understanding of the difficulties involved in their implementation.

3. The measures for implementing the provisions of standards should be appropriate to national conditions and practice. From the point of view of the construction industry, international labour standards should be promoted to enhance social protection as well as encourage the creation of employment. The formulation of appropriate measures to encourage the observance of ILO standards in the construction industry requires a positive and realistic approach from all concerned.

4. In many countries, provisions of the relevant ILO Conventions are observed although the Conventions themselves may not have been ratified. Ratification of Conventions and compliance with their provisions in terms of national legislation are positive measures to overcome obstacles to the observance of ILO standards in the construction industry. Governments should be encouraged to ratify the relevant Conventions, particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and to take all necessary measures to ensure their effective implementation.

Measures to strengthen tripartism

5. Governments should seek the full co-operation of workers and employers in drawing up and carrying out the social and economic policy laid down by the Declaration of Philadelphia. ILO standards should be implemented in close co-operation between governments, employers' and workers' organisations.

6. The implementation or reinforcement of this co-operation should be based on the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), which provides for the setting up at the national level of consultative tripartite procedures. This Recommendation provides that measures appropriate to national conditions should be taken to promote effective consultation and co-operation at the industrial and national levels between public authorities and employers' and workers' organisations.

7. It is significant to note that half of the Conventions in force contain provisions requiring, in one form or another, consultation and co-operation between employers and workers. In the more specific field of occupational safety and health, the Safety Provisions (Building) Convention, 1937 (No. 62), provides for the obligation of governments to consult employers and workers with regard to certain exemptions. This obligation is expanded in the draft Convention revising Convention No. 62, which will serve as the basis of discussion by the International Labour Conference as the fifth item of the agenda of its 73rd Session (1987) and provides for consultation between governments and the most representative organisations of employers and workers on measures to be taken to implement the provisions of the Convention. Further, it envisages measures to bring about co-operation between employers and workers to promote safety and health on construction sites.

8. This co-operation will be greatly facilitated by the ratification and implementation of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and by the inclusion in national law and the application in practice of the provisions of Recommendation No. 152 on the same subject. Member States which ratify the Convention undertake to establish procedures which ensure effective consultations between representatives of government, employers and workers with respect to all matters concerning ILO activities.

Measures at the national level

9. For the collective bargaining process to be a constructive dialogue leading to mutually beneficial agreements, the establishment and strengthening of organisations of employers and workers in the construction industry should be considered as a priority. In this context steps should be taken to promote the widest possible understanding of the contribution such

organisations can make to overall improvements in the industry and of the need to further their development. This is of general importance and more particularly of greater significance in developing countries where the vast majority of workers are unskilled, non-organised, frequently found in the informal sector and without social protection. Such efforts need to be supported and promoted by governments, employers and workers alike.

10. There is a need to promote and co-ordinate the representation of small-scale enterprises within organisations in the construction industry. In addition, appropriate measures should be taken to ensure the inclusion of the self-employed in efforts to improve overall conditions in the industry. Greater efforts should be made to eliminate clandestine employment practices which employers, workers and governments recognise as undermining health and safety practices and constituting obstacles to the observance of standards in the industry.

11. Difficulties in the collection and dissemination of information represent a major constraint in the identification and analysis of certain problems in the construction industry and in the formulation of appropriate and effective measures to deal with them. All those engaged in the industry have a role to play in the collection and dissemination of information. National legislation should ensure that certain essential statistics are collected on a regular basis. To be comparable, definitions established at the international level should be used as the basis for the collection of statistics so as to take into account all activities related to the construction industry.

12. Training programmes for workers and managers in the construction industry should also aim at increasing awareness of ILO standards, particularly those dealing with occupational safety and health and the welfare of construction workers. In addition, special training activities which could be the subject of agreement between employers and workers should be encouraged. Ways to extend training to all categories of construction workers, particularly on-site training for unskilled and casual workers, should be developed.

13. Measures should be taken to ensure that there is organised collaboration between employers and workers to play their roles in promoting occupational safety and health and workers' welfare. Where there are several employers undertaking activities simultaneously, e.g. in subcontracting arrangements on a single contract, responsibilities should be clearly defined. Subcontracting in general is an established feature of the construction industry. Appropriate measures should be taken to eliminate the possibility of irregularities under such a system.

Action at the international level

14. As regards action required to be taken at the international level, there is an important role which ILO technical co-operation activities should play in the promotion and implementation of international labour standards. Technical co-operation activities should also include measures to strengthen workers' and employers' organisations. Within the framework of these activities, the capacity of national labour administration services in some countries may need to be developed to assume new and expanding responsibilities in respect of migrant workers, women workers, youth, contract workers, the self-employed and the unemployed. Measures to promote employment creation should simultaneously promote awareness and observance of ILO standards. Training for construction management should also include information and training material on such standards.

15. The regional and subregional activities of the ILO should provide assistance in the field of international labour standards and promote the participation of all countries and more particularly the developing countries in the formulation of such standards. The ILO should also provide such assistance with particular reference to the needs of the construction industry.

16. The issues and problems involved in migration for employment in construction are complex, and differ according to the interests of the countries of employment, the sending countries or the individual workers concerned. Many obstacles to the observance of the relevant labour standards in the construction industry originate from certain recruitment practices and various other procedures involved before migrant workers even take up employment abroad, as well as from the problems which arise because workers change national jurisdictions and are unfamiliar with work surroundings. Governments are encouraged and urged to ratify and implement ILO Conventions concerning migrant workers and engage in consultations and

negotiations on the conditions that should govern the migration of workers in the light of relevant ILO standards.

Resolution (No. 97) concerning the ILO Contribution in the Framework of the International Year of Shelter for the Homeless¹

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 1 to 9 April 1987,

Welcoming the proclamation by the United Nations of 1987 as the International Year of Shelter for the Homeless,

Stressing the significant contribution to be made by the ILO, within its specific field of competence, to the implementation of the objectives of this campaign,

Recalling, in this connection, the ILO's Basic Needs Programme which has identified the creation of adequate housing and shelter as one of its main areas of concern,

Emphasising that an effective world-wide campaign for the creation of housing facilities for the homeless will have a significant and stimulating impact on the employment situation in many countries, in view of the labour-intensive character of the construction industry;

Adopts this ninth day of April 1987 the following resolution:

The Building, Civil Engineering and Public Works Committee calls on the Governing Body of the International Labour Office:

(1) to urge member States:

(a) to embark on a vigorous campaign for the creation of adequate and affordable housing and to provide financial and other incentives mainly for first-time housing buyers as a means of contributing to the fulfilment of the ILO's Basic Needs and World Employment Programmes;

(b) to encourage employers' and workers' organisations, as well as independent housing co-operatives and other appropriate organisations, to contribute to the promotion of adequate and accessible low-cost housing and to assist those who are in need of housing to obtain the necessary facilities required for this purpose, such as land, credits, technical and other help;

(2) to request the Director-General to co-ordinate the International Year of Shelter for the Homeless activities of the ILO so as to provide appropriate assistance to public authorities and to workers', employers' and other appropriate organisations at all levels.

Resolution (No. 98) concerning Multinational Enterprises and Social Policy in the Building, Civil Engineering and Public Works Sector¹

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 1 to 9 April 1987,

Noting that the Governing Body of the ILO has adopted the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and has established a procedure to monitor the effective implementation of the Declaration as well as a standing committee of the Governing Body on multinational enterprises;

Adopts this ninth day of April 1987 the following resolution:

The Building, Civil Engineering and Public Works Committee requests the Governing Body of the International Labour Office:

(1) to urge all parties concerned to ensure full tripartite co-operation in the preparation of the government reports on the implementation of the Tripartite Declaration and to ensure that the building, civil engineering and public works sector is covered by these reports;

¹ Unanimously adopted.

(2) to request the Director-General:

- (a) to continue the co-operation with governments and international organisations with a view to the implementation in the building, civil engineering and public works sector of the Tripartite Declaration;
- (b) to undertake a study on the social and labour practices of multinational enterprises in the building, building materials, civil engineering and public works sector (including explicitly the important issue of migrant labour) as has already been done for other industrial sectors.

**Resolution (No. 99) concerning Future ILO Activities in the Field of Building,
Civil Engineering and Public Works¹**

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 1 to 9 April 1987,

Recalling Resolution (No. 90) concerning future ILO activities in building, civil engineering and public works, adopted at the Tenth Session of the Committee,

Stressing the vital importance of the building, civil engineering and public works industries as a major factor in connection with the effective implementation of employment creation policies and the stimulation of overall economic and industrial development,

Firmly convinced that priority in the allocation of public resources should be given to programmes leading to economic and social progress and the improvement of living and working conditions, such as housing, social infrastructure and environmental protection,

Recognising the specific problems facing the workers and industries in this sector,

Welcoming the importance devoted by the Governing Body of the ILO to the problems of safety and health in construction by including this subject in the agenda of the 1987 General Conference;

Adopts this ninth day of April 1987 the following resolution:

The Building, Civil Engineering and Public Works Committee requests the Governing Body of the International Labour Office:

- (1) to allocate the necessary resources for the ILO programme of sectoral activities to ensure adequate implementation of the Committee's decisions;
- (2) to place the following items on the agenda of the Twelfth Session of the Committee:
 - (a) productivity and technological change in the building, civil engineering and public works industries;
 - (b) vocational training and retraining in the building, civil engineering and public works industries;
- (3) to convene a tripartite meeting of experts to examine the problem of foreign construction workers employed in some countries of the Middle East and the Far East, as already requested in Resolution No. 90 adopted at the Tenth Session of the Committee;
- (4) to convene tripartite meetings in the various regions, as necessary:
 - (a) to examine the problems related to specific labour law and social security in construction;
 - (b) to examine the problems related to vocational training in construction;
- (5) to request the Director-General:
 - (a) to prepare for the next meeting a compendium of the conclusions, resolutions and other texts, or parts thereof, included in the Classification, as well as the conclusions and resolutions adopted at the Eleventh Session;
 - (b) to prepare a study and convene, as soon as possible, a meeting of experts on the development and transfer of technologies in building, civil engineering and public works industries; if this meeting is not convened before the Twelfth Session of the Committee, to include the study in the General Report of that session and to suggest this theme for debating in plenary;

¹ Unanimously adopted.

- (c) to increase ILO activities in the field of management training in the building, civil engineering and public works industries, particularly in developing countries.
- (6) having been informed of the Report of the Working Party on International Labour Standards, adopted by the Governing Body at its 235th Session (March 1987), according to which the Workers' Housing Recommendation, 1961 (No. 115), is among the instruments to be promoted as a priority, to study the possibility of including the revision of this Recommendation in the agenda of a future session of the International Labour Conference.

**Classification of the Conclusions and Resolutions Adopted by the Building,
Civil Engineering and Public Works Committee at Its Previous Ten Sessions¹**

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

Group A: Conclusions and resolutions, or parts thereof, which are no longer of current concern
None.

Group B: Conclusions and resolutions, or parts thereof, which, for the time being, would not appear to call for further information
None.

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

Combined Text (No. I) of conclusions concerning recruitment and the young worker in the construction industry.

Combined Text (No. II) of conclusions concerning vocational training in the construction industry.

Combined Text (No. III) of conclusions concerning conditions of work in the construction industry.

Combined Text (No. IV) of conclusions concerning safety in the construction industry.

Combined Text (No. V) of conclusions concerning labour-management relations in the construction industry.

Combined Text (No. VI) of conclusions concerning the stabilisation of the construction industry.

Combined Text (No. VII) of conclusions concerning technological change and productivity in the construction industry.

Combined Text (No. VIII) of conclusions concerning the international migration of manpower in the construction industry.

No. 76. Conclusions concerning the social aspects of prefabrication in the construction industry (Eighth Session).

No. 78. Conclusions concerning the social problems in the construction industry arising out of the industrialisation of developing countries (Eighth Session).

No. 82. Conclusions concerning stabilisation of employment and earnings in the construction industry (Ninth Session).

No. 83. Conclusions concerning the training of managers and workers in the construction industry (Ninth Session).

No. 87. Resolution concerning the effect given, and to be given, to the texts adopted by the Building, Civil Engineering and Public Works Committee (paragraphs 1 and 2) (Ninth Session).

No. 88. Conclusions concerning the improvement of working conditions and of the working environment in the construction industry (Tenth Session).

No. 89. Conclusions concerning management training for the construction industry in developing countries (Tenth Session).

¹ Unanimously adopted.

- No. 94. Resolution concerning participation and improvement of the effect given, and to be given, to the texts adopted by the Building, Civil Engineering and Public Works Committee (Tenth 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

None.

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

- No. 12. Resolution concerning the establishment of national committees in the construction industries (First Session).
- No. 32. Resolution concerning studies on problems of the construction industry (paragraphs 1, 2, 4 and 5) (Third Session).
- No. 38. Resolution concerning on-the-spot investigations into productivity in the construction industry in underdeveloped countries (Fourth Session).
- No. 40. Resolution concerning the importance of research and documentation in relation to productivity in the construction industry (Fourth Session).
- No. 48. Resolution concerning welfare in the construction industry in underdeveloped countries (Fourth Session).
- No. 53. Resolution concerning safety in the construction industry (Fifth Session).
- No. 54. Resolution concerning technical assistance in the field of safety in the construction industry (Fifth Session).
- No. 57. Memorandum concerning the training of skilled labour in the construction industry in countries not sufficiently developed in this respect (Fifth Session).
- No. 62. Resolution concerning the international migration of labour in the construction industry (paragraphs 6 and 13) (Sixth Session).
- No. 68. Conclusions concerning technological changes in the construction industry (paragraphs 4 and 45) (Seventh Session).
- No. 70. Conclusions concerning the regularisation of employment in the construction industry (paragraphs 3 and 12) (Seventh Session).
- No. 72. Resolution concerning undesirable practices with regard to the international migration of construction workers (Seventh Session).
- No. 77. Resolution concerning occupational safety and health in the construction industry (Eighth Session).
- No. 78. Conclusions concerning social problems in the construction industry arising out of the industrialisation of developing countries (paragraph 44) (Eighth Session).
- No. 80. Resolution concerning measures for protecting workers against possible detrimental effects of mechanical handling and new technologies in the construction industry (subparagraph [b]) (Eighth Session).
- No. 81. Resolution concerning the future work of the ILO in the field of building, civil engineering and public works (Eighth Session).
- No. 84. Conclusions concerning modular training in the construction industry (Ninth Session).
- No. 85. Resolution concerning ILO activities in the field of building, civil engineering and public works (Ninth Session).
- No. 86. Resolution concerning international instruments for the construction industry (Ninth Session).
- No. 87. Resolution concerning the effect given, and to be given, to the texts adopted by the Building, Civil Engineering and Public Works Committee (paragraphs 3 and 4) (Ninth Session).

- No. 90. Resolution concerning future ILO activities in building, civil engineering and public works (Tenth Session).
- No. 91. Resolution concerning the urgent measures needed to expand employment in the construction industry (Tenth Session).
- No. 92. Resolution concerning collective bargaining bodies in the construction industry (Tenth Session).
- No. 93. Resolution concerning labour-leasing and labour-contracting in the construction industry (Tenth Session).
- No. 94. Resolution concerning participation and improvement of the effect given, and to be given, to the texts adopted by the Building, Civil Engineering and Public Works Committee (Tenth Session).

Texts, or parts thereof, which may be considered to be superseded, implemented or obsolete, or on which action was considered terminated at previous sessions of the Committee

Conclusions and resolutions considered superseded, implemented or obsolete at the Tenth Session of the Building, Civil Engineering and Public Works Committee

Nos. 1, 3, 4, 5, 7, 8, 13, 16, 17, 18, 21, 22, 27, 29, 30, 31, 33, 44, 46, 47, 49, 50, 51, 52, 56, 58, 59, 60, 61, 64, 65, 66, 67, 71, 73, 74, 75 and 79.

Conclusions and resolutions considered superseded, implemented or obsolete at the Eleventh Session of the Building, Civil Engineering and Public Works Committee

Nos. 32, 38, 40, 57, 70, 77, 80, 84, 85 (paragraphs (a), (b) and (d)), 86, 87 (paragraph 2, clauses (ii) and (iii)), 94 (paragraph 3).

Joint Meeting on Employment and Working Conditions in Water, Gas and Electricity Supply Services

(Geneva, 5-13 May 1987)

CONCLUSIONS AND RESOLUTIONS ADOPTED

Conclusions on Employment and Conditions of Work in Water, Gas and Electricity Supply Services¹

The Joint Meeting on Employment and Conditions of Work in Water, Gas and Electricity Supply Services,

Having been convened by the Governing Body of the ILO,

Having met in Geneva from 5 to 13 May 1987,

Adopts, this thirteenth day of May 1987, the following conclusions:

General considerations

1. Water, gas and electricity services provide a vital contribution to the quality of life of the population as a whole. These services are generally a prerequisite to the achievement of basic social and economic goals and play an important role in developing economic and social progress in all societies. In developing countries in particular, the rapid expansion of these services is essential to any efforts being made to improve the quality of life of the community.

2. Water is a basic human need. Pure water is crucial to human health and survival. In this connection, the Plan of Action for Community Water Supply adopted by the United Nations Water Conference held in Mar del Plata (Argentina) in 1977 and the United Nations General Assembly decision to designate the 1980s as the International Drinking Water Supply and Sanitation Decade are commendable and noteworthy. The very high priority which the international community has thereby given to the development and improvement of water supply services, especially in developing countries, is endorsed.

3. Electricity and gas services are of decisive economic and social importance. They play a vital role in meeting household fuel and power requirements and industrial energy as well as agricultural needs. While these services have been more frequently available within and near urban areas, they are increasingly being extended to rural areas, for example through major rural electrification programmes and the development of alternative sources of energy. Such efforts to expand these energy supply services are providing a crucial impetus and support for rural development.

4. Water, gas and electricity supply services have been encountering an increasing number of challenges to their ability to meet the demand for their services, and which may have an effect on workers. These include changes relating to ownership (such as privatisation and/or nationalisation), technological change, all aspects of safety and health, investment constraints, growing environmental concerns and socio-economic factors, including rapid population growth and urbanisation. In view of the economic and social importance of these services, governments should give a high priority to assisting water, gas and electricity authorities to overcome these challenges, and employers' and workers' and, where appropriate, consumers' representatives, should be involved in order to ensure that these services are accessible to the entire population.

¹ Unanimously adopted.

5. Experience with changes in ownership (including privatisation and/or nationalisation) varies among countries; while in some cases employment and working conditions have been maintained, or improved, in others they have been adversely affected. When changes in ownership are contemplated, every effort should be made to protect the rights and interests of workers and of employers; such endeavours should be done through negotiation, consultation and collective bargaining, in conformity with national law and practice.

6. Governments may consider the possibility of consulting representatives of the relevant public authorities, workers' organisations, employers' organisations and, where appropriate, consumers' representatives before the passage of laws or other regulatory measures affecting the supply of these services.

7. Regardless of the legal status and ownership structure prevailing in different countries, the services provided are of such vital importance that arrangements should be made to make them publicly accountable in accordance with national law and practice.

8. Differences in legal status and ownership structure should not be detrimental to the workers.

Employment

9. Because of the essential role of the utilities in the economy, they have a major impact on the level of activity and opportunities for employment in all sectors. By giving special attention to employment prospects — which should be such as to attract and retain qualified personnel to fulfil the necessary continuity and development of the industries in the public and national economic interest — employers' and workers' organisations will contribute to securing improved services as well as higher levels of employment in the economy as a whole.

10. The employment implications of the kinds of ownership structures that exist in different countries should be carefully assessed. Timely factual and analytical information concerning these changes and their effects on employment and society should be provided to the workers and employers and their organisations. This information could be used by the employers' and workers' organisations to develop programmes that ensure satisfactory social, employment and career prospects through appropriate measures.

11. Technological change is already an important feature of the three services and will increasingly affect employment. It offers opportunities for gains in productivity, improved quality of services and better working conditions. On the other hand, in particular in developing countries, the introduction of technology which is not adapted to national conditions can adversely affect employment. While decisions about the introduction of new and changed technology are the responsibility of the management organisations concerned, consultations, negotiations and exchange of information should take place between employers and workers' representatives in accordance with national law and practice.

12. In order to facilitate adjustment to structural and technological changes in these capital- and skill-intensive industries, special attention should be given to training, retraining and education of workers. While employers have the major responsibility for training, workers through their representatives should be closely involved in the planning and implementation of all training programmes in accordance with the provisions of the Paid Educational Leave Convention, 1974 (No. 140), and Recommendation, 1974 (No. 148).

13. Many water, gas and electricity services, particularly in developing countries, are experiencing serious shortages of skilled personnel. This deficiency is aggravated by the rapid expansion of these services. Carefully designed manpower and training needs assessments should be carried out at an early stage in these industries, with the involvement of the workers through their representatives. These assessments should identify vocational and management skill priorities and propose appropriate training and other personnel measures to meet those requirements.

14. In some countries, the share which women have in the total employment in the three sectors is relatively small. Protective legislation and traditional barriers impede their access to many occupations, although due regard should be paid to the effects on women of dangerous or hazardous work, e.g. ionising radiation during pregnancy. The lower level of pay women receive generally reflects their concentration in certain clerical and administrative jobs. Efforts should be intensified to eliminate any discrimination, where it exists, and ensure equal opportunity and treatment in access to training and employment for women. Employers and

workers' organisations, taking into account national conditions and in accordance with national law and practice, should encourage women to acquire new skills and to take up occupations in which they are at present under-represented. New technologies may offer opportunities in this regard.

Labour-management relations

15. The right of workers to form or join trade union organisations of their own choosing, as enshrined in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), should be enjoyed by all workers, of all grades, in the water, gas and electricity supply services, whether they are employed in public sector or private sector undertakings.

16. Governments should take the necessary measures to ensure that all workers in these sectors are guaranteed freedom of association and the free exercise of the right to organise. In particular, the protection of workers' representatives from acts of anti-union discrimination and the provision of facilities to enable them to carry out their functions effectively should be guaranteed, in line with the provisions of: the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Workers' Representatives Convention, 1971 (No. 135), and Recommendation, 1971 (No. 143); and the Labour Relations (Public Service) Convention, 1978 (No. 151), and Recommendation, 1978 (No. 159).

17. Collective bargaining and the conclusion of collective agreements are widely recognised as methods satisfactory to both parties for determining their mutual relations and fixing conditions of work as well as for the settlement of labour disputes. The right to bargain collectively or to negotiate with employers in the water, gas and electricity supply services should, as far as possible, be encouraged so as to promote the full development of voluntary negotiations between employers and workers and their organisations in these industries, in line with the provisions of the Collective Bargaining Convention, 1981 (No. 154), and Recommendation, 1981 (No. 163), and Conventions Nos. 98 and 151 cited above.

18. There has been a general trend towards increased workers' consultation and/or participation at the enterprise level in water, gas and electricity utilities, and it is recognised that these procedures normally lead to better industrial relations. Governments should encourage the process of co-operation at the level of the enterprise by providing, where necessary, the facilities for such consultations, in accordance with the provisions of the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), and of the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113).

19. To be meaningful, workers' consultation and participation require adequate information being made available to them. Owing to the rapid pace of technological change as well as structural and ownership changes (including privatisation and nationalisation measures) and their repercussions on employees and employers, the organisations representing the workers and employers concerned should be informed and consulted at an early stage concerning plans for such changes, in accordance with national law and practice.

20. The need to ensure the uninterrupted provision of water, gas and electricity calls for the speedy settlement of labour disputes arising in connection with the determination of terms and conditions of employment in the public utilities. Labour disputes should preferably be settled through negotiations between the parties concerned. Appropriate measures should be taken, in accordance with national law or practice, to provide autonomous and impartial services for conciliation, mediation or arbitration of disputes in these sectors, in line with the provisions of the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), and taking into consideration the conclusions of the Meeting on the Settlement of Labour Disputes in the Public Service, held in October 1986.

21. The ILO Committee on Freedom of Association has expressed the view that the right to strike is a legitimate means of defence of workers' interests, but that strikes may be limited or prohibited in essential services. Where strikes are legally permitted in these services, measures are frequently taken beforehand by legislation or collective agreement or by less formal understandings to ensure the continuance of a minimum level of service required to protect the security of equipment and public health and safety. Workers' representatives should be able to participate effectively in defining such minimum service.

Working time

22. The special character of work in water, gas and electricity services and the need to maintain their continuity and quality as well as safety standards impose particular constraints on working time and the organisation of work schedules, due account being taken of the specific requirements of each of the services.

23. The reduction in working time represents an improvement in the quality of life of workers and may also lead to job creation. In countries where the standard of 40 hours has not yet been established, efforts should be made to apply this standard within a reasonable time, in accordance with the Reduction of Hours of Work Recommendation, 1962 (No. 116). In other countries progress has already been made in bringing the water, gas and electricity supply workers the benefit of shorter working hours. Since the scope of progress in this respect differs widely among countries it deserves more thorough study by the national competent authorities, as well as the employers' and workers' organisations. The cost-effectiveness of working time reduction measures would have to be taken into account together with the benefits resulting from them.

24. In applying measures to reduce working time, priority should be given to occupations involving particular physical or mental fatigue, or involving health risks for workers, as provided for in the above-mentioned Recommendation No. 116. In accordance with the provisions of that Recommendation, working schedules should be negotiated with the relevant workers and their organisations concerned. New technologies and innovative methods of work organisation should be used in order to try to reduce the number of workers subjected to night shifts, standby duties or other unsocial working schedules.

25. Collective bargaining machinery constitutes probably the best means for negotiating the reduction of working time. It should take into account the need to maintain the quality and continuity of services as well as the particular constraints affecting specific categories of employees.

26. Measures should be taken to combat systematic overtime, since it may, among other things, lead to physical or mental stress. Overtime should only be worked in cases of real necessity. It should not be a substitute for the recruitment of new workers. Where overtime and unsocial hours cannot be avoided, appropriate compensation, particularly in the form of increased remuneration, special monetary allowances and/or time off, should be given, in keeping with the laws and practices of particular countries.

27. Similarly, shift work should be subject to appropriate compensation. Shift workers should be informed of work schedules sufficiently in advance to enable them to organise their personal and family lives; these schedules should, as far as possible, be established in consultation and/or negotiation with the workers' organisations or representatives concerned. Attention should be paid to setting up and operating facilities for shift workers where the special circumstances of shift work may require them.

28. As a result of technological changes taking place within the utilities, and the resulting requirement for developing new qualifications and skills, measures should be taken to ensure that the workers concerned benefit from paid educational leave, in conformity with the provisions of the Paid Educational Leave Convention, 1974 (No. 140), and Recommendation, 1974 (No. 148).

Remuneration

29. The remuneration of workers in water, gas and electricity supply services should be determined through voluntary collective bargaining between employers' and workers' organisations, in accordance with the provisions of ILO Conventions Nos. 98, 151 and 154. Where such arrangements do not yet exist they should be promoted.

30. In the determination of remuneration in accordance with the procedures in the preceding paragraph, objective criteria should be used such as the level of qualifications, degree of responsibility, job requirements, job performance, nature of work, experience and length of service, as well as the specific constraints and hazards inherent in the various utilities' professions.

31. The principle of equal pay for work of equal value should apply to women in water, gas and electricity supply services in accordance with the Equal Remuneration Convention, 1951

(No. 100), and Recommendation, 1951 (No. 90). There is a tendency for women to be employed in certain occupational categories and in the low-wage levels. Measures should therefore be taken, in accordance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111), to promote equality of opportunity and treatment for women in employment and occupation.

32. Given the importance and nature of water, gas and electricity supply services, governments have a special interest in these services, whether they be private or public. If these services are to function efficiently and to remain competitive, they should pursue policies which will enable them to attract and retain sufficient and appropriately qualified workers. Success in attaining this objective will, to a great extent, be determined by the ability of the services to ensure that the wages and conditions of employment are perceived as serving the interests of both workers and employers.

33. Pay and grading structures should be such as to attract and retain the qualified staff needed by the services in order to respond to the increasing demands posed by new technologies, the necessary expansion of the services and the growing requirements of the consumers. In examining pay differentials it may be desirable to take account of significant imbalances between the higher and lower categories of workers.

34. Remuneration scales and allowances should adequately compensate workers who are called upon to perform work in remote areas, in arduous conditions and during unsocial hours.

35. The various components of remuneration should be sufficiently transparent to enable workers to have a clear idea of their total entitlements; all elements, where relevant, should be taken into account for pensions and other social benefits.

36. Remuneration, including all indirect elements, should be periodically reviewed in order to take into account fluctuations in the cost of living, the labour market situation with regard to skills, level of responsibilities, changes in work organisation, increases in productivity and the acquisition of additional skills.

Occupational safety and health

37. In most countries, the water, gas and electricity supply services generally have made progress in improving occupational safety and health conditions. However, in some developing countries, much more has to be done. Continued vigilance as well as new efforts are therefore required in the light of the many changes occurring in these services. New techniques and processes should be introduced into water, gas and electricity plants to assist in removing hazards and stress. The important occupational safety and health principle of eliminating hazards at source should be applied.

38. Occupational safety and health should not be regarded so much as a cost to the operation, but rather as an investment to protect the workers.

39. Employers and workers should fulfil the provisions of Paragraphs 10–16 of the Occupational Safety and Health Recommendation, 1981 (No. 164).

40. Individual workers should not be compelled to carry out work which involves imminent, serious danger to the life or health of a worker, in accordance with the Occupational Safety and Health Convention, 1981 (No. 155), Article 19(f) which reads—

There shall be arrangements at the level of the undertaking under which—

...

(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.

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.

41. In addition to action within the working environment, action should be taken to protect workers in the water, gas and electricity supply services against hazards arising from the plant or process.

42. The causes of occupational diseases require special investigation. In particular, preventive action should be taken to eliminate exposure to substances or circumstances which give rise to such occupational diseases. This is especially so where the disease is of a chronic nature.

43. Occupational health services should be preventive in character. Medical services should be available, and preventive medical examinations should be available at no cost to the workers and should be carried out as far as possible during working hours.

44. A special need exists to protect workers against the hazards of asbestos. The ILO code of practice *Safety in the use of asbestos* provides useful practical guidance in this regard and the general principles are established by the Asbestos Convention, 1986 (No. 162), and Recommendation, 1986 (No. 172).

45. Safety equipment should be adequate and readily available, and should keep pace with new methods and technology.

46. New technology may give rise to new and unforeseen hazards and effective action should be taken to deal with these hazards. There should be protection for the workers against the adverse effects of the transfer of technology, especially those transfers which are made to developing countries.

47. Every worker should be given appropriate information and explanation of the hazards to which he is exposed along with instructions and training in the procedures to be followed to carry out his work safely. As new technology often calls for new safety requirements, the training or retraining required for operators of the new technology should generally be within working hours and should be of an appropriately high level.

48. Employers' and workers' organisations should work together to establish an acceptable level of occupational safety and health. In accordance with national law and practice, safety and health committees, or safety and health representatives, depending on the size of the workplace, should be established.

Resolution concerning Freedom of Association and the Right to Collective Bargaining in Water, Gas and Electricity Supply Services¹

The Joint Meeting on Employment and Working Conditions in the Water, Gas and Electricity Supply Services,

Having met in Geneva from 5 to 13 May 1987,

Recognising that the promotion and protection of freedom of association and the right to organise and bargain collectively are among the fundamental aims of the ILO,

Reaffirming that the right to organise and bargain collectively is a basic human right as contained in ILO Conventions which apply to all workers, and therefore to all workers in water, gas and electricity supply services,

Recalling that the ILO Committee on Freedom of Association has expressed its disapproval of measures which might constitute a threat to peaceful relations and the free exercise of trade union rights and its belief that harmonious labour relations can only be developed if there is a peaceful social climate,

Stressing the importance and the need to strengthen the role the ILO plays in the protection and promotion of trade union rights;

Adopts, this thirteenth day of May 1987, the following resolution:

The Joint Meeting on Employment and Working Conditions in the Water, Gas and Electricity Supply Services invites the Governing Body of the International Labour Office to draw the attention of member States to its Report and Conclusions, and to call upon them to ratify, where this has not already been done, and to apply in full the provisions of the following ILO Conventions, in respect of workers in the water, gas and electricity supply services:

- (a) the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- (b) the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

¹ Unanimously adopted.

- (c) the Labour Relations (Public Service) Convention, 1978 (No. 151); and
(d) the Collective Bargaining Convention, 1981 (No. 154).

Resolution concerning ILO Activities in the Field of Water, Gas and Electricity Supply Services¹

The Joint Meeting on Employment and Working Conditions in the Water, Gas and Electricity Supply Services,

Having met in Geneva from 5 to 13 May 1987,

Recognising the importance of these industries in all countries to the life of the community, to social and economic development and the vital role which these industries have in the provision of services to all other forms of activity and industry,

Considering that water, gas and electricity supply services should be expanded to meet the requirements of changes in industry and changes in the employment and social structure of the population,

Considering that technological changes are essential for the industries' development and for better services, although in some cases they may affect work organisation and processes, demand new skills and influence changes in working conditions of those employed in the industries,

Considering that experience with changes in ownership (including privatisation and/or nationalisation) varies among countries; while in some cases employment and working conditions have been maintained, or improved, in others they have been adversely affected,

Recognising that governments and employers who employ workers in water, gas and electricity supply services have responsibility for the safety and protection of workers and should play an active role in the improvement of conditions of employment and work in the water, gas and electricity supply services,

Recalling that water, gas and electricity supply services personnel are covered by many international labour Conventions and Recommendations laying down standards concerning such matters as freedom of association and the right to collective bargaining, equal remuneration and equal opportunities, voluntary conciliation and arbitration, hours of work, annual holidays with pay, paid educational leave, social security and welfare facilities, maternity protection and occupational health and safety protection;

Adopts, this thirteenth day of May 1987, the following resolution:

The Joint Meeting on Employment and Conditions of Work in Water, Gas and Electricity Supply Services invites the Governing Body of the International Labour Office:

- (a) when considering the new composition of industrial bodies, to examine separately, and on the same occasion, the feasibility of creating a standing Joint Committee for Water, Gas and Electricity Supply Services;
- (b) to consider fixing the agenda of the next meeting from among the following items:
 - (i) training and retraining;
 - (ii) labour-management relations; and
 - (iii) occupational safety and health, including the introduction of new and emerging technologies;
- (c) to urge member States to ratify and enforce Conventions on occupational safety and health, especially the Occupational Safety and Health Convention, 1981 (No. 155), and to follow the guidance of the corresponding Recommendation, 1981 (No. 164);
- (d) to request the Director-General, when preparing the next programme and budget, to give consideration to providing sufficient resources:
 - (i) to convene regional or subregional ILO seminars, on as regular a basis as possible, on the specific problems and the situation of water, gas and electricity supply services;
 - (ii) to study whether there is a need for any additional ILO codes of practice to be prepared on occupational health and safety in the water, gas and electricity supply services and to take appropriate action;

¹ Adopted by consensus.

- (iii) to ensure co-operation between the ILO and other international organisations, in particular the World Health Organisation, in establishing occupational safety and health standards and other measures;
- (iv) to ensure the co-operation of the ILO with the competent international bodies when dealing with radiation and chemical fallout to the extent that they may affect working conditions and occupational safety and health of the workers in the water, gas and electricity services;
- (v) to organise more technical assistance programmes in developing countries;
- (vi) to include the following studies in the ILO's programme of activities for workers in water, gas and electricity supply services:
 - the impact of the introduction of new technology;
 - occupational safety and health, including the implementation of accident prevention and safety and health measures;
 - equality of remuneration and opportunity between men and women workers; and
 - comparative studies on training requirements in different countries.

**Addendum to the Tripartite Declaration of Principles concerning
Multinational Enterprises and Social Policy (adopted by the
Governing Body of the International Labour Office at its 238th Session
(Geneva, November 1987))**

**References to Conventions and Recommendations in the
Tripartite Declaration of Principles concerning
Multinational Enterprises and Social Policy**

A number of international labour Conventions and Recommendations containing provisions relevant to the Declaration are referred to in footnotes in the Declaration as well as in an annex. These footnotes do not affect the meaning of the provisions of the Declaration to which they refer. They should be considered as references to relevant instruments adopted by the International Labour Organisation in the corresponding subject-areas, which have helped shape the provisions of the Declaration.

Since the adoption of the Declaration by the Governing Body on 16 November 1977, new Conventions and Recommendations have been adopted by the International Labour Conference. This makes it necessary to include a new list of Conventions and Recommendations adopted since 1977 (including those adopted in June 1977), containing provisions relevant to the Declaration, and this list is set out below. Like the footnotes included in the Declaration at the time of its adoption, the new references do not affect the meaning of the provisions of the Declaration.

In keeping with the voluntary nature of the Declaration, all of its provisions, whether derived from ILO Conventions and Recommendations or other sources, are recommendatory, except of course for provisions in Conventions which are binding on the member States which have ratified them.

**LIST OF CONVENTIONS AND RECOMMENDATIONS ADOPTED SINCE 1977 (INCLUSIVE) WHICH
CONTAIN PROVISIONS RELEVANT TO THE DECLARATION**

Number and title of Convention	Paragraphs of the Declaration to which the instrument is relevant
No. 148 concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration, 1977	36
No. 154 concerning the Promotion of Collective Bargaining, 1981	9, 49
No. 155 concerning Occupational Safety and Health and the Working Environment, 1981	36
No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981	21
No. 158 concerning Termination of Employment at the Initiative of the Employer, 1982	9, 26, 27, 28
No. 161 concerning Occupational Health Services, 1985	36
No. 162 concerning Safety in the Use of Asbestos, 1986	36
No. 156 concerning the Promotion of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration, 1977	36

Number and title of Convention	Paragraphs of the Declaration to which the instrument is relevant
No. 163 concerning the Promotion of Collective Bargaining, 1981	51, 54, 55
No. 164 concerning Occupational Safety and Health and the Working Environment, 1981	36
No. 165 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981	21
No. 166 concerning Termination of Employment at the Initiative of the Employer, 1982	9, 26, 27, 28
No. 169 concerning Employment Policy, 1984	9, 13
No. 171 concerning Occupational Health Services, 1985	36
No. 172 concerning Safety in the Use of Asbestos, 1986	36

Memoranda Prepared by the International Labour Office in Reply to Requests for Clarification concerning Conventions Nos. 150 and 162

LABOUR ADMINISTRATION CONVENTION, 1978 (No. 150)

1. By letter of 5 November 1984, the Government of Canada asked the International Labour Office for an opinion on the interpretation of the Labour Administration Convention, 1978 (No. 150), regarding the following points:

(1) *Article 5 of the Convention*

— What is the nature and extent of the process of ‘consultation, co-operation and negotiation’ between public authorities and employers’ and workers’ organisations called for in this Article?

— Specifically, is the requirement of ‘negotiation’ in that Article to be interpreted to mean a process whereby changes may result from consultation, or a process leading to a binding arrangement between the State and one of the social partners?”

(2) *Effect of exclusions from labour legislation on compliance with Convention No. 150*

Is it correct to conclude that the exclusion of agricultural, domestic and self-employed workers from the coverage of labour legislation would not prevent compliance, since the focus of Convention No. 150 is on the establishment of the basic elements of a system of labour administration and not on the scope of labour legislation generally?

2. Point (1) of the query relates to Article 5 of the Convention, which reads as follows:

Article 5

1. Each Member which ratifies this Convention shall make arrangements appropriate to national conditions to secure, within the system of labour administration, consultation, co-operation and negotiation between the public authorities and the most representative organisations of employers and workers, or—where appropriate—employers’ and workers’ representatives.

2. To the extent compatible with national laws and regulations and national practice, such arrangements shall be made at the national, regional and local levels as well as at the level of the different sectors of economic activity.

3. The first question raised by the Government in respect of Article 5 concerns the nature and extent of the “consultation, co-operation and negotiation” provided for therein.

4. The terms “consultation, co-operation and negotiation” were first included in point 35(1) of the Conclusions of the 1975 Meeting of Experts on Labour Administration (ILC, 61st Session, 1976; Report V(1), p. 12) which subsequently became point 15(1) of the Questionnaire on the proposed instruments (*ibid.*, p. 163).

5. Reference was made there to “arrangements of an institutional character” to secure such consultation, co-operation and negotiation. Examples of “institutional” arrangements given in the preparatory report include more particularly economic and social councils, national labour advisory councils or sectoral councils of various types as may be found in the national practice of countries (*ibid.*, pp. 94–97).

6. The words “of an institutional character” were subsequently deleted, “taking into account the views expressed (by governments) and the general plea for flexibility with a view to avoiding difficulties of a technical nature for eventual ratification” (ILC, 63rd Session, 1977; Report V(2), p. 46). It follows that institutional arrangements of the types described are not compulsory for the purposes of Article 5.

7. It may further be noted that point 35(2) of the Conclusions (already referred to above) of the Meeting of Experts states that “such consultation and co-operation should aim, in particular, at ensuring that the competent public authorities seek the views, advice and

assistance of employers and workers in an appropriate manner” in respect of such matters as enumerated in that point of the Conclusions, including the preparation and implementation of relevant laws and regulations and of economic and social development plans, the establishment and functioning of national bodies in various social and labour fields. These matters were not taken up, however, in question 15(1) of the Questionnaire, presumably owing to the concern for flexibility as stated above.

8. Against this background, it appears appropriate to recall the following statement made by the Government member of Japan at the time of the second discussion of the Proposed Convention, as recorded in the report of the Committee on Labour Administration of the Conference:

54. The Government member of Japan made a statement to the effect that, in the absence of further proposals concerning Article 5, there was a point of clarification which should be placed on record, concerning his country. The Government of Japan considered it necessary to secure, within the system of labour administration, the participation of the most representative organisations of employers and workers, but the form of participation which could be effective varied from country to country according to the nature of the problems. For the Proposed Convention to be adaptable to actual conditions in a greater number of countries, yet without impairing the substance of Article 5, member States should appropriately be allowed to select the forms that such participation should take. The concepts as well as the modes conveyed by the words “consultation, co-operation and negotiation” were not clear enough and they differ from country to country. The Government of Japan thus understood that it would be left to each country to decide in accordance with national practice what should be the subject, the level and the form in each case. (ILC, 64th Session, *Record of Proceedings*, p. 22/6.)

9. The above statement was included without objection or disagreement in the report of the Committee on Labour Administration and may be thus considered as a generally accepted understanding of the bearing of Article 5, namely that “it would be left to each country to decide in accordance with national practice what should be the subject, the level and the form” of consultation, co-operation and negotiation in each case. It may further be noted that Article 5 requires only “arrangements appropriate to national conditions”. In the light of all the above considerations, it may be said, as regards the first question put by the Government of Canada, that the nature and extent of the process called for in Article 5 may be decided by each country in accordance with national conditions and practice.

10. The Government of Canada also puts a specific question as to whether the requirement of “negotiation” in Article 5 should be interpreted to mean a process whereby changes may result from consultation, or a process leading to a binding arrangement between the State and one of the social partners.

11. To take first the dictionary meaning of the term, “negotiation” is defined in Webster’s New College Dictionary as “conferring, discussing or bargaining to reach agreement”. The Concise Oxford Dictionary defines “negotiate” as “confer with a view to compromise or agreement”, the word “agreement” comprising as one of its meanings, according to the same Dictionary, that of “mutual understanding”.

12. In the context of Article 5 of the Convention, doubt was in fact expressed by three Governments (Canada, Japan and the United States) in their replies to point 15(1) of the Office Questionnaire, as to the use of the word “negotiation” (ILC, 63rd Session, 1977; Report V(2), pp. 44–45). The statement by the Government member of Japan (see paragraphs 8 and 9 above) provided an understanding as to the type, level, and form of such negotiation. The specific question put by the Government of Canada is concerned with the purpose and result of the negotiation envisaged under Article 5.

13. In this respect, there is nothing in the background and context of this Article of the Convention — as recalled above — to show that any particular meaning of the word “negotiation” has been intended, other than the current dictionary acceptance of the word, that is to confer, discuss with a view to compromise or agreement. It may therefore be said, in reply to the specific question of the Government of Canada, that the process of negotiation referred to in Article 5 does not necessarily imply “a process leading to a binding arrangement between the State and one of the social partners”.

14. It may be appropriate, in light of the above, to recall that in the usage of the Governing Body Committee on Freedom of Association recourse to this concept, or to similar ones, is

found in contexts emphasising the principle that the parties "should bargain in good faith making every effort to come to an agreement" or that "satisfactory labour relations depend primarily on the attitudes of the parties towards each other and on their mutual confidence". (See *Freedom of Association*, Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, 2nd edition, ILO, 1976, paragraphs 243, 244, 245 on page 92). Indeed good faith and a disposition, in the attitudes of the parties, to confer or bargain towards a mutual understanding seem to be inherent in the concept of "negotiation" in labour law in general.

15. In point (2) of its query, the Government of Canada requests confirmation that the exclusion of agricultural, domestic and self-employed workers from the coverage of labour legislation would not prevent compliance with the Convention.

16. On this point, it may be observed, firstly, that as the Government rightly remarks, the focus of Convention No. 150 is on the establishment of a system of labour administration and not on the scope of labour legislation. Article 4 of the Convention lays down the obligation for a ratifying State to "ensure the organisation and effective operation . . . of a system of labour administration."

17. From the definitions given in Article 1 (a) and (b) of the Convention, this obligation involves the organisation and operation of all public administration bodies responsible for and/or engaged in public administration activities in the field of national labour policy.

18. The nature and scope of such "activities in the field of national labour policy" are not defined by the Convention. However, certain elements are given, in particular, by its Article 6.

19. Article 6, paragraph 1, of the Convention provides, as follows:

1. The competent bodies within the system of labour administration shall, as appropriate, be responsible for or contribute to the preparation, administration, co-ordination, checking and review of national labour policy, and be the instrument within the ambit of public administration for the preparation and implementation of laws and regulations giving effect thereto.

20. Article 6, paragraph 2, refers more specifically to employment policy (subparagraph (a)), conditions of work and working life and terms of employment, defects and abuses in these conditions and terms, and proposals on means to overcome them, taking into account national laws and regulations and national practice (subparagraph (b)); services and technical advice to employers and workers and their organisations (subparagraphs (c) and (d)).

21. As can be seen from the provisions of Article 6, labour administration activities include, but are not limited to, the preparation and implementation of relevant legislation. The system of labour administration must have the capacity to carry out all these activities such as specified by Article 6, in respect of categories of persons coming within the scope of the Convention.

22. In respect of the categories of workers referred to by the Government of Canada, namely, agricultural, domestic and self-employed workers, it may be noted that Article 7 of the Convention provides for the progressive extension of the functions of the system of labour administration, when national conditions so require, to certain "categories of workers who are not, in law, employed persons". Workers to whom coverage of the Convention may be so extended include tenants and share-croppers and self-employed workers in the informal sector, as defined in subparagraphs (a) and (b) of Article 7. On the other hand, agricultural workers (e.g. wage earners in agriculture) in general, and domestic workers, all come within the *initial* scope of the Convention, and must be covered by the activities of the system of labour administration referred to above.

23. To conclude, in reply to point 2 of the query of the Government of Canada, it may be said that the exclusion of agricultural, domestic and self-employed workers from the coverage of labour legislation would not prevent compliance with the Convention, which does not include a specific obligation to have legislation covering those workers as a condition for ratification. The Convention would require, however, that the system of labour administration should have the capacity and competence for identifying the need for legislation covering these workers (bearing in mind the provisions of Article 7 concerning tenants and share-croppers and self-employed persons) and for introducing and implementing such legislation, if necessary, as well as the capacity for carrying out all the other activities contemplated by the Convention in respect of the workers concerned.

Asbestos Convention, 1986 (No. 162) (Article 17)

1. By a letter dated 22 January 1987, the Government of Canada requested the Director-General of the International Labour Office to provide clarification as to the meaning of Article 17 of the Asbestos Convention, 1986 (No. 162). This Article reads as follows:

1. Demolition of plants or structures containing friable asbestos insulation materials, and removal of asbestos from buildings or structures in which asbestos is liable to become airborne, shall be undertaken only by employers or contractors who are recognised by the competent authority as qualified to carry out such work in accordance with the provisions of this Convention and who have been empowered to undertake such work.

2. The employer or contractor shall be required before starting demolition work to draw up a workplan specifying the measures to be taken, including measures to—

- (a) provide all necessary protection to the workers;
- (b) limit the release of asbestos dust into the air; and
- (c) provide for the disposal of waste containing asbestos in accordance with Article 19 of this Convention.

3. The workers or their representatives shall be consulted on the workplan referred to in paragraph 2 of this Article.

2. The request of the Government of Canada is in the following terms:

We have a question about the terms "... by employers or contractors which are recognised by the competent authority as qualified to carry out such work ... and empowered to undertake such work". Concerns were expressed that this provision might be interpreted as imposing some form of special certification or accreditation of all employers or contractors *who are or might become* involved in demolition or removal work involving asbestos. As can be readily appreciated, such requirement could translate into a very heavy, cumbersome and costly administrative burden which would be difficult or even impossible to implement, particularly in smaller jurisdictions or member States. For example, as regards demolition works, it is often not possible to determine and assess the presence of asbestos in every existing building or structure throughout a given jurisdiction or country; in many instances, the presence of asbestos may not be known until demolition or repair work is under way. Consequently, the above interpretation would require certification or accreditation of every single employer or contractor in the jurisdiction which, as already mentioned above, raises very real practical problems of implementation.

Article 17, as we see it, aims at (a) underlining the specific risks to the workers' health and safety created by airborne asbestos dust in demolition or removal works (as distinct from and equal to the risks associated with mining and processing of asbestos in the manufacture of asbestos products) and (b) ensuring that proper procedures are taken by the employers and contractors involved to protect the workers against these risks at every stage of the work.

In this context, it seems to us that if, in a given jurisdiction, the following measures obtain:

- (a) the competent authority has (through legislation, regulations or enforceable guidelines, codes of practice, requirements or procedures) provided for specific health and safety measures to be implemented in demolition or removal work involving asbestos;
- (b) these measures or requirements apply to all employers and contractors within the jurisdiction;
- (c) these measures are in accordance with the requirements of Article 17 (2) (a), (b), (c) and 17 (3);
- (d) the competent authority has a monitoring system aimed at gathering information, to the extent possible, on planned or proposed demolition, repair or removal works involving asbestos within its jurisdiction, with a view to ensuring that the proper procedures are put in place from the very start of the work;
- (e) the monitoring activities are accompanied by a system of on-site inspections either at the initiative of the competent authority or in reaction to allegations of non-compliance or in response to requests by the employer or contractor or a combination of all three;

- (f) the competent authority has a programme of information designed to (i) sensitise employers and workers and their associations (as well as the general public) to the dangers of work involving asbestos; (ii) to inform them of the prescribed health and safety measures and (iii) assist them in the effective implementation of these measures; and
- (g) employers or contractors who fail to comply with the prescribed measures are guilty of an offence and liable to sanction which may involve a fine or a term of imprisonment or both;

the requirements of Article 17 (1) are met. The prescribed measures, followed up by on-site inspections, will dictate how the demolition or removal work is to be conducted. Any employer, or contractor, is required to follow the prescribed measures and that employer or contractor therefore becomes qualified by the competent authority. Any employer, or contractor, who fails to comply with the prescribed measures, is liable to sanctions.

Our view that Article 17 does not necessarily require pre-authorisation through a system of accreditation or certification would seem to be corroborated by the amendment submitted jointly by the Employers' and Workers' groups, and adopted by the June 1986 Conference, to delete the terms "subject to authorisation" which appeared in the original version of Article 17 in the text submitted to the Conference for approval.

3. This request raises two questions. The first question is whether Article 17 applies to all employers or contractors who are or might become involved in demolition work involving asbestos. The second question is whether Article 17 requires pre-authorisation of employers or contractors through a system of accreditation or certification.

4. On the first question, it is clear from the wording of Article 17, and in particular of paragraph 2, which requires that plans of work be drawn up "before starting demolition work", that it only applies to demolition and removal work when asbestos is known in advance to be present.

5. To answer the second question, it is necessary to go back to the preparatory work leading to the adoption of the Convention.

6. Article 17 was introduced through an amendment submitted by the Workers' members in the Asbestos Committee during the first discussion of the proposed Convention. A counter-amendment submitted by the Government member of Luxembourg to the effect that:

the employer or contractor, undertaking the demolition of plants or structures containing asbestos insulation materials and removal of asbestos from buildings or structures in which asbestos is liable to become airborne, should be qualified to carry out such work in accordance with the provisions of this Convention

was rejected.¹ The text adopted by the Conference after the first discussion—which became Article 15 of the Proposed Convention—reads as follows:

1. Demolition of plants or structures containing asbestos insulation materials, and removal of asbestos from buildings or structures in which asbestos is liable to become airborne, shall be subject to authorisation, which shall be granted only to employers or contractors who are recognised by the competent authority as qualified to carry out such work in accordance with the provisions of this Convention.

2. The employer or contractor shall be required before starting demolition work to draw up a workplan specifying the measures to be taken before the commencement of the work, including measures to—

- (a) provide all necessary protection to the workers;
- (b) limit the release of asbestos dust into the air;
- (c) provide for the disposal of waste containing asbestos in accordance with Article 17 of this Convention.²

7. This text remained unchanged right through to the plenary in the second discussion. An amendment, introduced in the Asbestos Committee, to replace paragraph 1 by a provision

¹ Paragraph 76 of the Committee's report (ILO: *Safety in the use of asbestos*, Report IV (1), International Labour Conference, 72nd Session, Geneva (Geneva, 1986), p. 20).

² Point 24 of the Proposed Conclusions and Article 15 of the Proposed Convention, *ibid.*, p. 41.

requiring that demolition and removal work should be subject to specific regulations issued by the competent authority received equal votes for and against and so was not adopted.¹ A request to reconsider this provision when the Committee adopted its report was strongly opposed and was withdrawn.²

8. The present wording of Article 17 is the result of an amendment introduced in plenary. As explained by the Workers' Vice-Chairman of the Asbestos Committee, "this amendment is of a clarifying nature and has been drafted to improve the wording of the text so as to avoid ambiguity. There is no conceptual change".³

9. The ambiguity which the amendment was designed to eliminate was that the wording adopted by the Asbestos Committee, Article 17, paragraph 1, could be read as requiring a two-stage procedure: firstly, the employer or contractor must be recognised as competent and, secondly, there must be an individual authorisation for each demolition. This was not the intention. The intention was to ensure that demolition or removal work involving asbestos is undertaken only by employers or contractors qualified to do so. In its final wording, Article 17, paragraph 1, leaves it to the competent authority in each country to decide the most appropriate way in which employers or contractors are recognised as qualified to carry out demolition and removal work and are empowered to do so. It may be through a system of pre-authorisation of recognised contractors, limiting demolition work where asbestos is known to be present to a restricted number of licensed specialised firms, or through a system under which, for each demolition or removal project known to involve asbestos, the competent authority empowers the contractor concerned, provided it recognises him as qualified, to undertake the job.

10. In the Office's opinion, the procedure described in the Government's request could be considered as satisfying the requirements of Article 17 (1) if the following conditions are met: (a) the competent authority is informed of all demolition or removal work known to involve asbestos; (b) the competent authority satisfies itself, before the work starts, that the contractor has made arrangements for the work to be done in accordance with the provisions of the Convention; (c) it is empowered to prohibit the contractor from undertaking the work should it not be so satisfied. In this way the competent authority can be considered as having recognised the contractor as qualified to carry out the work and as empowering him to do so.

11. The above opinion is given with the usual understanding that any decision as to the conformity of a country's legislation and practice with a particular Convention must rest, in the first instance, with the government of the country concerned subject, in case of ratification of the Convention, to the procedure established by the International Labour Organisation for the examination of reports supplied by member States in pursuance of article 22 of the Constitution of the ILO.

¹ *Record of Proceedings*, International Labour Conference, 72nd Session, Geneva (Geneva 1986), p. 29/12, para. 93.

² *ibid.*, pp. 29/27–28, paras. 286–291.

³ *ibid.*, p. 38/4.

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INTERNATIONAL LABOUR OFFICE

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OFFICIAL BULLETIN

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1988

Series A, No. 2

INFORMATION

75th Session of the International Labour Conference¹

(Geneva, 1-22 June 1988)

The 75th Session of the International Labour Conference was held from Wednesday, 1 June, to Wednesday, 22 June 1988, under the presidency of Mr. Wolfgang Beyreuther, Secretary of State for Labour and Wages of the German Democratic Republic.

The agenda was as follows:

Standing item

- I. Reports of the Governing Body and of the Director-General.
- II. Programme and budget proposals and other financial questions.
- III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

- IV. Safety and health in construction (*second discussion*).
- V. Employment promotion and social security (*second discussion*).
- VI. Partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107) (*first discussion*).
- VII. Rural employment promotion (*general discussion*).
- VIII. Updating of the Declaration concerning the Policy of Apartheid in South Africa.

¹ The texts of the instruments, resolutions and other decisions adopted by the Conference appear on pp. 69-129 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 75th Session, which consists of the 37 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.

Official Measures Taken regarding Decisions of the International Labour Conference ¹

Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986 ²

Ratifications and acceptances

In accordance with Article 3 of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986, the following ratifications and acceptances have been communicated to the Director-General of the International Labour Office:

State	Measure	Date received
Angola	Acceptance	7 June 1988
Belgium	Ratification	16 March 1988
Cameroon	Ratification	12 February 1988
Egypt	Ratification	27 June 1988
Ghana	Ratification	17 June 1988
Guinea	Ratification	4 May 1988
Lesotho	Ratification	9 June 1988
Malaysia	Acceptance	3 February 1988
Mali	Ratification	19 April 1988
Malta	Acceptance	9 February 1988
Mexico	Acceptance	2 February 1988
Mozambique	Ratification	31 May 1988
New Zealand	Ratification	16 March 1988
Rwanda	Ratification	3 June 1988
San Marino	Ratification	16 March 1988
Saudi Arabia	Ratification	16 June 1988
Senegal	Ratification	8 March 1988
Togo	Ratification	8 June 1988
United Arab Emirates	Ratification	3 June 1988
Zambia	Ratification	25 April 1988

The total number of ratifications and acceptances thus rose to 44.

¹ Period covered: 1 January 1988 to 30 June 1988.

² For the text of this Instrument, see *Official Bulletin*, 1986, Series A, No. 2, page 60.

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			
Argentina	Workers with Family Responsibilities Convention, 1981 (No. 156)	17 March 1988	17 March 1989
Belgium	Minimum Age Convention, 1973 (No. 138)	19 April 1988	19 April 1989
	<i>The minimum age of 15 years has been specified pursuant to Article 2, paragraph 1, of the Convention.</i>		
	Nursing Personnel Convention, 1977 (No. 149)	29 March 1988	29 March 1989
	Collective Bargaining Convention, 1981 (No. 154)	"	"
Botswana	Weekly Rest (Industry) Convention, 1921 (No. 14)	3 February 1988	3 February 1988
	Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	"	"
Cameroon	Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	13 May 1988	13 May 1989
	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	"	"
	Termination of Employment Convention, 1982 (No. 158)	"	"
	Asbestos Convention, 1986 (No. 162)	16 June 1988	16 June 1989

State	Convention	Date of registration of ratification/denunciation/declaration	Date on which ratification/denunciation/declaration will take effect
China	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	2 February 1988	2 February 1989
Czechoslovakia	Labour Statistics Convention, 1985 (No. 160)	25 February 1988	25 February 1989
	<i>Acceptance of Articles 7-10 and 12-14 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>		
	Occupational Health Services Convention, 1985 (No. 161)	25 February 1988	25 February 1989
Denmark	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	8 January 1988	8 January 1989
	Labour Statistics Convention, 1985 (No. 160)	22 January 1988	22 January 1989
	<i>Acceptance of all the articles of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>		
Ecuador	Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)	20 May 1988	20 May 1989
	Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)	„	„
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	„	„
Egypt	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	4 May 1988	4 May 1989
Finland	Asbestos Convention, 1986 (No. 162)	20 June 1988	20 June 1989
Greece	Workers' Representatives Convention, 1971 (No. 135)	27 June 1988	27 June 1989
	Workers with Family Responsibilities Convention, 1981 (No. 156)	10 June 1988	10 June 1989
Guatemala	Hours of Work (Industry) Convention, 1919 (No. 1)	14 June 1988	14 June 1988
	Minimum Age (Agriculture) Convention, 1921 (No. 10)	„	„
	Right of Association (Agriculture) Convention, 1921 (No. 11)	„	„
	Weekly Rest (Industry) Convention, 1921 (No. 14)	„	„
	Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)	14 June 1988	14 June 1989
	Minimum Wage Fixing Convention, 1970 (No. 131)	„	„

Hungary	Occupational Health Services Convention, 1985 (No. 161)	24 February 1988	24 February 1989
Malta	Hours of Work (Industry) Convention, 1919 (No. 1)	9 June 1988	9 June 1988
	Night Work (Women) Convention, 1919 (No. 4)	„	„
	White Lead (Painting) Convention, 1921 (No. 13)	„	„
	Weekly Rest (Industry) Convention, 1921 (No. 14)	„	„
	Inspection of Emigrants Convention, 1926 (No. 21)	„	„
	Sheet-Glass Works Convention, 1934 (No. 43)	9 June 1988	9 June 1989
	Underground Work (Women) Convention, 1935 (No. 45)	„	„
	Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49)	„	„
	Safety Provisions (Building) Convention, 1937 (No. 62)	„	„
	Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)	„	„
	<i>Acceptance of the provisions of Part III has been specified pursuant to Article 2, paragraph 1, of the Convention.</i>		
	Equal Remuneration Convention, 1951 (No. 100)	9 June 1988	9 June 1989
	Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	„	„
	Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)	„	„
	Guarding of Machinery Convention, 1963 (No. 119)	„	„
	Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)	„	„
	Maximum Weight Convention, 1967 (No. 127)	„	„
	Labour Inspection (Agriculture) Convention, 1969 (No. 129)	„	„
	Minimum Wage Fixing Convention, 1970 (No. 131)	„	„
	Holidays with Pay Convention (Revised), 1970 (No. 132)	„	„
	<i>Pursuant to Article 3, paragraph 2, of the Convention, the minimum length of the holiday specified is three working 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>		
	Workers' Representatives Convention, 1971 (No. 135)	9 June 1988	9 June 1989

State	Convention	Date of registration of ratification/denunciation/ declaration	Date on which ratification/denunciation/ declaration will take effect
Malta (cont.)	Minimum Age Convention, 1973 (No. 138)	9 June 1988	9 June 1989
	<i>The minimum age of 16 years has been specified pursuant to Article 2, paragraph 1, of the Convention.</i>		
	Rural Workers' Organisations Convention, 1975 (No. 141)	9 June 1988	9 June 1989
	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	„	„
	<i>Pursuant to Article 2, paragraph 1, of the Convention, the Government has accepted the obligations of the Convention in respect of air pollution only.</i>		
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	9 June 1988	9 June 1989
Mexico	Labour Statistics Convention, 1985 (No. 160)	18 April 1988	18 April 1989
	<i>Acceptance of Articles 7-9, 11, 12, 14 and 15 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.</i>		
Netherlands	Workers with Family Responsibilities Convention, 1981 (No. 156)	24 March 1988	24 March 1989
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	15 February 1988	15 February 1989
Peru	Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)	19 April 1988	19 April 1989
San Marino	Guarding of Machinery Convention, 1963 (No. 119)	19 April 1988	19 April 1989
	Paid Educational Leave Convention, 1974 (No. 140)	„	„
	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)	„	„
	Workers with Family Responsibilities Convention, 1981 (No. 156)	„	„
	Occupational Health Services Convention, 1985 (No. 161)	„	„
Spain	Social Security (Minimum Standards) Convention, 1952 (No. 102)	29 June 1988	29 June 1989
	<i>Pursuant to Article 2 (b) of the Convention, the obligations of the Convention have been accepted in respect of Parts I, II, III, IV, VI, XI, XII, XIII, XIV and XV.</i>		

Tunisia	Labour Administration Convention, 1978 (No. 150)	23 May 1988	23 May 1989
USSR	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	3 June 1988	3 June 1989
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	"	"
United States	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	15 June 1988	15 June 1989
	Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) ¹	"	"
Uruguay	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	13 January 1988	13 January 1989

II. Denunciations

Australia	Underground Work (Women) Convention, 1935 (No. 45) ²	20 May 1988	20 May 1989
Ireland	Underground Work (Women) Convention, 1935 (No. 45) ³	27 May 1988	27 May 1989
Luxembourg	Protection against Accidents (Dockers) Convention, 1929 (No. 28) ⁴	9 February 1988	9 February 1989
	Underground Work (Women) Convention, 1935 (No. 45) ⁵	29 April 1988	29 April 1989
United Kingdom	Underground Work (Women) Convention, 1935 (No. 45) ⁶	26 May 1988	26 May 1989

III. Declarations

Denmark	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)		
	<i>Not applicable</i> : Faeroe Islands, Greenland.	8 January 1988	—
	Labour Statistics Convention, 1985 (No. 160)		
	<i>Not applicable</i> : Faeroe Islands, Greenland.	"	"
United Kingdom	Repatriation of Seamen Convention, 1926 (No. 23)		
	<i>Applicable without modification</i> : Gibraltar.	25 May 1988	25 May 1988

State	Convention	Date of registration of ratification/denunciation/declaration	Date on which ratification/denunciation/declaration will take effect
United Kingdom (cont.)	Labour Statistics Convention, 1985 (No. 160)		
	<i>Applicable with modifications:</i> Jersey.	25 May 1988	25 May 1989
	<i>Article 9</i> Average earnings and hours of work—not collected on a comprehensive basis. This information will be available if an earnings index is produced in the future.		
	<i>Article 10</i> Wages structure and distribution—not collected on a comprehensive basis. Some information obtained in respect of the wages index.		
	<i>Article 11</i> Labour cost—not collected on a comprehensive basis.		
	<i>Article 15</i> Industrial disputes—data not available.		
	<i>Decision reserved:</i> Anguilla, Bermuda, St. Helena.	25 May 1988	—

¹ This Convention was ratified by the United States subject to the following understandings:

"(1) It is the understanding of the United States that its obligations under Article 1 of this Convention do not extend to uninspected ships, including tugboats, of less than 300 tons;

(2) It is the understanding of the United States that Article 1, paragraph 4(b), of the Convention includes fish-processing vessels of not more than 5,000 tons and fish tender vessels of not more than 500 tons as ships engaged in fishing or in whaling or in similar pursuits;

(3) It is the understanding of the United States that the term 'substantially equivalent' as it appears in Article 2(a) requires the ratifying State to take account of the general goal of the instruments in the Appendix, but does not require it to adhere to the precise terms of these instruments. This means that national laws and regulations may be different in detail, if the ratifying State has satisfied itself that the general goals of the instruments in the Appendix are respected;

(4) The United States Government understands and is satisfied, as required under Article 2(a) of the Convention, that the substantive provisions of United States statutes and regulations are substantially equivalent to the rights and responsibilities established in the instruments enumerated in the Appendix; and

(5) It is the understanding of the United States that the legal status of the terms of collective bargaining agreements relating to shipboard conditions of employment and living arrangements have no greater effect than that accorded such terms under United States labor statutes."

Before registering this ratification, the Director-General of the International Labour Office transmitted to the United States Government a communication dated 15 June 1988 in the following terms:

"I would wish to bring to your Government's attention that I have caused the understandings which accompany the United States ratification of Convention No. 147 to be examined in the light of the established principles that international labour Conventions may not be ratified subject to reservations and that their interpretation is a matter exclusively for the International Court of Justice.

It appears from this examination that the first three understandings accurately reflect the meaning of the Convention, having regard to its terms, to the preparatory work and to the practice of the supervisory bodies in examining the reports of States which have ratified the Convention.

The fourth understanding is simply a declaration that the United States is satisfied that Article 2(a) of the Convention is implemented by United States statutes and regulations and accordingly does not directly affect the terms of the Convention.

The fifth concerns the legal status of collective bargaining agreements. There is nothing in the Convention which appears capable of being construed as giving to the terms of such agreements a greater effect than is accorded to them under national legislation. Accordingly this understanding also does not appear to raise any problem relating to the interpretation of the Convention.

In these circumstances, I have concluded that the understandings to which the United States ratification of the Convention is stated to be subject do not constitute an obstacle to the registration of this ratification. In doing so, however, I consider it necessary to place on record that this is on the basis that these understandings do not in any way qualify the acceptance by the United States of the obligation to make effective the provisions of the Convention, but simply constitute a formal record of the interpretation which the United States attaches to the Convention; and that the application of the Convention by the United States, as in all cases of ratified Conventions, will be subject to the supervision procedures of the International Labour Organisation."

² The text of the communication concerning the denunciation by Australia of this Convention reads as follows:

"The decision by the Government of Australia to denounce the Convention has been taken after a long process of consultation and consideration, including consideration of Australia's obligations under the United Nations Convention on the Elimination of All Forms of Discrimination against Women. As was noted in the Report of the Director-General on the Compatibility of the two Conventions in November 1984, a State party to both is bound to review its protective legislation periodically. The Government of Australia has concluded that advances in technological and social conditions relating to mining in Australia now enable it to give full effect to the relevant provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. Accordingly, it is now necessary to denounce the ILO Convention No. 45.

In Australia, regulation of mining comes under the jurisdiction of the Governments of the constituent States. There are no underground mining operations within the meaning of the Convention in the territories administered by the Federal Government.

During recent years, a number of States have either introduced legislation contrary to the provisions of ILO Convention No. 45 or have removed the restrictions of existing legislation. Amendments to remove restrictions in existing legislation also accord with the provisions of the federal *Sex Discrimination Act 1984* which proscribes discrimination on the grounds of sex, marital status or pregnancy in employment and a number of other areas. Exemptions were provided for under that Act to preserve inconsistent State legislation to enable review of that legislation with a view to eventual removal of discriminatory provisions where this was able to be done without jeopardising legitimate health and safety concerns. A number of those exemptions continue to operate.

In March 1983 the tripartite National Labour Consultative Council (NLCC) recommended that Australia should move towards denunciation of Convention No. 45. In October 1983 the Conference of Commonwealth and State Labour Ministers also agreed that Australia should denounce the Convention at the earliest opportunity."

³ The text of the communication concerning the denunciation by Ireland of this Convention reads as follows:

"The Government of Ireland considers that changes have occurred in circumstances since the adoption of the Convention which render the prohibition of the employment of women on underground work in mines an inadmissible discrimination against women workers.

The Government of Ireland have considered the aforesaid Convention and, after consultations with the representative organisations concerned (which agree that the Convention should be denounced) have judged appropriate that it should be denounced on behalf of Ireland."

⁴ The text of the communication concerning the denunciation by Luxembourg of this Convention reads as follows:

(Translation)

"The Government of the Grand Duchy of Luxembourg wishes to inform the Director-General of the International Labour Office that the Government of Luxembourg intends to submit the Convention concerning Occupational Safety and Health in Dock Work (No. 152), which came into force on 5 December 1981, to Parliament for approval.

In accordance with the principle approved by the Governing Body of the ILO at its 184th Session (1971), the Government of Luxembourg consulted the employers' occupational organisations and the workers' trade union organisations on 13 June 1986. No objections were raised during these consultations by the representative organisations consulted."

⁵ The text of the communication concerning the denunciation by Luxembourg of this Convention reads as follows:

(Translation)

"In the last report of 12 August 1985 of the Minister of Labour of the Grand Duchy of Luxembourg on the measures taken to bring effect to the articles of Convention No. 45, and which have been communicated to the representative organisations of employers and workers, it had been pointed out that the Act of 8 December 1981 respecting equal treatment for men and women as regards access to employment, vocational training and promotion 'provides that, in particular, the legal provisions and regulations concerning the employment of women in mines are temporarily not to be regarded as conflicting with the articles of this law'. This provision has been repealed by a law of 17 November 1986 (*Mémorial* 1986, 2222).

In accordance with the principle approved by the Governing Body of the ILO at its 184th Session (1971), the representative organisations of workers and employers were consulted on 29 February 1988. No objections were raised during this consultation by either the trade unions or employers' organisations."

⁶ The text of the communication concerning the denunciation by the United Kingdom of this Convention reads as follows:

"The United Kingdom Government is committed to the principle of equal treatment for men and women, to flexibility in industry and to maximising opportunities for employment.

The provisions in United Kingdom law which enable the United Kingdom to observe Convention No. 45, prohibiting females from being employed on underground work in any mine, have recently come under review as being an unnecessary barrier to women's employment. The Government considers that the Convention is no longer appropriate in modern circumstances and that it should accordingly be denounced before the expiry of the current period enabling denunciations to be registered.

Following consultations required by International Labour Convention No. 144, the United Kingdom of Great Britain and Northern Ireland hereby denounces Convention No. 45."

Notification of the Coming into Force of the Asbestos Convention, 1986 (No. 162)

Article 24 of the Asbestos Convention, 1986 (No. 162), adopted by the International Labour Conference at its 72nd Session on 24 June 1986, 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 Canada were registered by the Director-General of the International Labour Office on 2 September 1987 and 16 June 1988 respectively. The Convention will accordingly come into force on 16 June 1989.

The present notification is made in accordance with the provisions of Article 26 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.

DOCUMENTS¹

Conventions, Recommendations, Resolutions and Additional Texts and Decisions Adopted by the International Labour Conference at Its 75th Session

(Geneva, 1988)

CONVENTIONS AND RECOMMENDATIONS

Convention 167

Convention concerning Safety and Health in Construction²

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 Seventy-fifth Session on 1 June 1988,
and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Safety Provisions (Building) Convention and Recommendation, 1937, the Co-operation in Accident Prevention (Building) Recommendation, 1937, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Maximum Weight Convention and Recommendation, 1967, the Occupational Cancer Convention and Recommendation, 1974, the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, the Asbestos Convention and Recommendation, 1986, and the list of occupational diseases as revised in 1980 appended to the Employment Injury Benefits Convention, 1964, and

Having decided upon the adoption of certain proposals with regard to safety and health in construction, 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 revising the Safety Provisions (Building) Convention, 1937,
adopts this twentieth day of June of the year one thousand nine hundred 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 75th Session of the Conference.

² Adopted by the Conference on 20 June 1988 by 421 votes in favour, 0 against, with 1 abstention.

eighty-eight the following Convention, which may be cited as the Safety and Health in Construction Convention, 1988:

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all construction activities, namely building, civil engineering, and erection and dismantling work, including any process, operation or transport on a construction site, from the preparation of the site to the completion of the project.

2. A Member ratifying this Convention may, after consultation with the most representative organisations of employers and workers concerned, where they exist, exclude from the application of the Convention, or certain provisions thereof, particular branches of economic activity or particular undertakings in respect of which special problems of a substantial nature arise, on condition that a safe and healthy working environment is maintained.

3. This Convention also applies to such self-employed persons as may be specified by national laws or regulations.

Article 2

For the purpose of this Convention:

(a) The term “construction” covers:

- (i) building, including excavation and the construction, structural alteration, renovation, repair, maintenance (including cleaning and painting) and demolition of all types of buildings or structures;
- (ii) civil engineering, including excavation and the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbours, inland waterways, dams, river and avalanche and sea defence works, roads and highways, railways, bridges, tunnels, viaducts and works related to the provision of services such as communications, drainage, sewerage, water and energy supplies;
- (iii) the erection and dismantling of prefabricated buildings and structures, as well as the manufacturing of prefabricated elements on the construction site;

(b) the term “construction site” means any site at which any of the processes or operations described in subparagraph (a) above are carried on;

(c) the term “workplace” means all places where workers need to be or to go by reason of their work and which are under the control of an employer as defined in subparagraph (e) below;

(d) the term “worker” means any person engaged in construction;

(e) the term “employer” means:

- (i) any physical or legal person who employs one or more workers on a construction site; and
- (ii) as the context requires, the principal contractor, the contractor or the subcontractor;

(f) the term “competent person” means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill

for the safe performance of the specific work. The competent authorities may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them;

- (g) the term “scaffold” means any temporary structure, fixed, suspended or mobile, and its supporting components which is used for supporting workers and materials or to gain access to any such structure, and which is not a “lifting appliance” as defined in subparagraph (h) below;
- (h) the term “lifting appliance” means any stationary or mobile appliance used for raising or lowering persons or loads;
- (i) the term “lifting gear” means any gear or tackle by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load.

PART II. GENERAL PROVISIONS

Article 3

The most representative organisations of employers and workers concerned shall be consulted on the measures to be taken to give effect to the provisions of this Convention.

Article 4

Each Member which ratifies this Convention undertakes that it will, on the basis of an assessment of the safety and health hazards involved, adopt and maintain in force laws or regulations which ensure the application of the provisions of the Convention.

Article 5

1. The laws and regulations adopted in pursuance of Article 4 above may provide for their practical application through technical standards or codes of practice, or by other appropriate methods consistent with national conditions and practice.

2. In giving effect to Article 4 above and to paragraph 1 of this Article, each Member shall have due regard to the relevant standards adopted by recognised international organisations in the field of standardisation.

Article 6

Measures shall be taken to ensure that there is co-operation between employers and workers, in accordance with arrangements to be defined by national laws or regulations, in order to promote safety and health at construction sites.

Article 7

National laws or regulations shall require that employers and self-employed persons have a duty to comply with the prescribed safety and health measures at the workplace.

Article 8

1. Whenever two or more employers undertake activities simultaneously at one construction site—

- (a) the principal contractor, or other person or body with actual control over or primary responsibility for overall construction site activities, shall be responsible for co-ordinating the prescribed safety and health measures and, in so far as is compatible with national laws and regulations, for ensuring compliance with such measures;
- (b) in so far as is compatible with national laws and regulations, where the principal contractor, or other person or body with actual control over or primary responsibility for overall construction site activities, is not present at the site, he shall nominate a competent person or body at the site with the authority and means necessary to ensure on his behalf co-ordination and compliance with the measures, as foreseen in subparagraph (a) above;
- (c) each employer shall remain responsible for the application of the prescribed measures in respect of the workers placed under his authority.

2. Whenever employers or self-employed persons undertake activities simultaneously at one construction site they shall have the duty to co-operate in the application of the prescribed safety and health measures, as may be specified by national laws or regulations.

Article 9

Those concerned with the design and planning of a construction project shall take into account the safety and health of the construction workers in accordance with national laws, regulations and practice.

Article 10

National laws or regulations shall provide that workers shall have the right and the duty at any workplace to participate in ensuring safe working conditions to the extent of their control over the equipment and methods of work and to express views on the working procedures adopted as they may affect safety and health.

Article 11

- National laws or regulations shall provide that workers shall have the duty to—
- (a) co-operate as closely as possible with their employer in the application of the prescribed safety and health measures;
 - (b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work;
 - (c) use facilities placed at their disposal and not misuse anything provided for their own protection or the protection of others;
 - (d) report forthwith to their immediate supervisor, and to the workers' safety representative where one exists, any situation which they believe could present a risk, and which they cannot properly deal with themselves;
 - (e) comply with the prescribed safety and health measures.

Article 12

1. National laws or regulations shall provide that a worker shall have the right to remove himself from danger when he has good reason to believe that there is an imminent and serious danger to his safety or health, and the duty so to inform his supervisor immediately.

2. Where there is an imminent danger to the safety of workers the employer shall take immediate steps to stop the operation and evacuate workers as appropriate.

PART III. PREVENTIVE AND PROTECTIVE MEASURES

Article 13

SAFETY OF WORKPLACES

1. All appropriate precautions shall be taken to ensure that all workplaces are safe and without risk of injury to the safety and health of workers.

2. Safe means of access to and egress from all workplaces shall be provided and maintained, and indicated where appropriate.

3. All appropriate precautions shall be taken to protect persons present at or in the vicinity of a construction site from all risks which may arise from such site.

Article 14

SCAFFOLDS AND LADDERS

1. Where work cannot safely be done on or from the ground or from part of a building or other permanent structure, a safe and suitable scaffold shall be provided and maintained, or other equally safe and suitable provision shall be made.

2. In the absence of alternative safe means of access to elevated working places, suitable and sound ladders shall be provided. They shall be properly secured against inadvertent movement.

3. All scaffolds and ladders shall be constructed and used in accordance with national laws and regulations.

4. Scaffolds shall be inspected by a competent person in such cases and at such times as shall be prescribed by national laws or regulations.

Article 15

LIFTING APPLIANCES AND GEAR

1. Every lifting appliance and item of lifting gear, including their constituent elements, attachments, anchorages and supports, shall—

- (a) be of good design and construction, sound material and adequate strength for the purpose for which they are used;
- (b) be properly installed and used;
- (c) be maintained in good working order;
- (d) be examined and tested by a competent person at such times and in such cases as shall be prescribed by national laws or regulations; the results of these examinations and tests shall be recorded;
- (e) be operated by workers who have received appropriate training in accordance with national laws and regulations.

2. No person shall be raised, lowered or carried by a lifting appliance unless it is constructed, installed and used for that purpose in accordance with national laws and regulations, except in an emergency situation in which serious personal injury or fatality may occur, and for which the lifting appliance can be safely used.

Article 16

TRANSPORT, EARTH-MOVING AND MATERIALS-HANDLING EQUIPMENT

1. All vehicles and earth-moving or materials-handling equipment shall—
 - (a) be of good design and construction taking into account as far as possible ergonomic principles;
 - (b) be maintained in good working order;
 - (c) be properly used;
 - (d) be operated by workers who have received appropriate training in accordance with national laws and regulations.
2. On all construction sites on which vehicles, earth-moving or materials-handling equipment are used—
 - (a) safe and suitable access ways shall be provided for them; and
 - (b) traffic shall be so organised and controlled as to secure their safe operation.

Article 17

PLANT, MACHINERY, EQUIPMENT AND HAND TOOLS

1. Plant, machinery and equipment, including hand tools, both manual and power driven, shall—
 - (a) be of good design and construction, taking into account as far as possible ergonomic principles;
 - (b) be maintained in good working order;
 - (c) be used only for work for which they have been designed unless a use outside the initial design purposes has been assessed by a competent person who has concluded that such use is safe;
 - (d) be operated by workers who have received appropriate training.
2. Adequate instructions for safe use shall be provided where appropriate by the manufacturer or the employer, in a form understood by the users.
3. Pressure plant and equipment shall be examined and tested by a competent person in cases and at times prescribed by national laws or regulations.

Article 18

WORK AT HEIGHTS INCLUDING ROOFWORK

1. Where necessary to guard against danger, or where the height of a structure or its slope exceeds that prescribed by national laws or regulations, preventive measures shall be taken against the fall of workers and tools or other objects or materials.
2. Where workers are required to work on or near roofs or other places covered with fragile material, through which they are liable to fall, preventive measures shall be taken against their inadvertently stepping on or falling through the fragile material.

Article 19

EXCAVATIONS, SHAFTS, EARTHWORKS, UNDERGROUND WORKS AND TUNNELS

Adequate precautions shall be taken in any excavation, shaft, earthworks, underground works or tunnel—

- (a) by suitable shoring or otherwise to guard against danger to workers from a fall or dislodgement of earth, rock or other material;
- (b) to guard against dangers arising from the fall of persons, materials or objects or the inrush of water into the excavation, shaft, earthworks, underground works or tunnel;
- (c) to secure adequate ventilation at every workplace so as to maintain an atmosphere fit for respiration and to limit any fumes, gases, vapours, dust or other impurities to levels which are not dangerous or injurious to health and are within limits laid down by national laws or regulations;
- (d) to enable the workers to reach safety in the event of fire, or an inrush of water or material;
- (e) to avoid risk to workers arising from possible underground dangers such as the circulation of fluids or the presence of pockets of gas, by undertaking appropriate investigations to locate them.

Article 20

COFFERDAMS AND CAISSONS

1. Every cofferdam and caisson shall be—
 - (a) of good construction and suitable and sound material and of adequate strength;
 - (b) provided with adequate means for workers to reach safety in the event of an inrush of water or material.
2. The construction, positioning, modification or dismantling of a cofferdam or caisson shall take place only under the immediate supervision of a competent person.
3. Every cofferdam and caisson shall be inspected by a competent person at prescribed intervals.

Article 21

WORK IN COMPRESSED AIR

1. Work in compressed air shall be carried out only in accordance with measures prescribed by national laws or regulations.
2. Work in compressed air shall be carried out only by workers whose physical aptitude for such work has been established by a medical examination and when a competent person is present to supervise the conduct of the operations.

Article 22

STRUCTURAL FRAMES AND FORMWORK

1. The erection of structural frames and components, formwork, falsework and shoring shall be carried out only under the supervision of a competent person.
2. Adequate precautions shall be taken to guard against danger to workers arising from any temporary state of weakness or instability of a structure.
3. Formwork, falsework and shoring shall be so designed, constructed and maintained that it will safely support all loads that may be imposed on it.

Article 23

WORK OVER WATER

Where work is done over or in close proximity to water there shall be adequate provision for—

- (a) preventing workers from falling into water ;
- (b) the rescue of workers in danger of drowning ;
- (c) safe and sufficient transport.

Article 24

DEMOLITION

When the demolition of any building or structure might present danger to workers or to the public—

- (a) appropriate precautions, methods and procedures shall be adopted, including those for the disposal of waste or residues, in accordance with national laws or regulations ;
- (b) the work shall be planned and undertaken only under the supervision of a competent person.

Article 25

LIGHTING

Adequate and suitable lighting, including portable lighting where appropriate, shall be provided at every workplace and any other place on the construction site where a worker may have to pass.

Article 26

ELECTRICITY

1. All electrical equipment and installations shall be constructed, installed and maintained by a competent person, and so used as to guard against danger.

2. Before construction is commenced and during the progress thereof adequate steps shall be taken to ascertain the presence of and to guard against danger to workers from any live electrical cable or apparatus which is under, over or on the site.

3. The laying and maintenance of electrical cables and apparatus on construction sites shall be governed by the technical rules and standards applied at the national level.

Article 27

EXPLOSIVES

Explosives shall not be stored, transported, handled or used except—

- (a) under conditions prescribed by national laws or regulations ; and
- (b) by a competent person, who shall take such steps as are necessary to ensure that workers and other persons are not exposed to risk of injury.

Article 28

HEALTH HAZARDS

1. Where a worker is liable to be exposed to any chemical, physical or biological hazard to such an extent as is liable to be dangerous to health, appropriate preventive measures shall be taken against such exposure.

2. The preventive measures referred to in paragraph 1 above shall comprise—
(a) the replacement of hazardous substances by harmless or less hazardous substances wherever possible ; or
(b) technical measures applied to the plant, machinery, equipment or process ; or
(c) where it is not possible to comply with subparagraphs (a) or (b) above, other effective measures, including the use of personal protective equipment and protective clothing.

3. Where workers are required to enter any area in which a toxic or harmful substance may be present, or in which there may be an oxygen deficiency, or a flammable atmosphere, adequate measures shall be taken to guard against danger.

4. Waste shall not be destroyed or otherwise disposed of on a construction site in a manner which is liable to be injurious to health.

Article 29

FIRE PRECAUTIONS

1. The employer shall take all appropriate measures to—
(a) avoid the risk of fire ;
(b) combat quickly and efficiently any outbreak of fire ;
(c) bring about a quick and safe evacuation of persons.

2. Sufficient and suitable storage shall be provided for flammable liquids, solids and gases.

Article 30

PERSONAL PROTECTIVE EQUIPMENT AND PROTECTIVE CLOTHING

1. Where adequate protection against risk of accident or injury to health, including exposure to adverse conditions, cannot be ensured by other means, suitable personal protective equipment and protective clothing, having regard to the type of work and risks, shall be provided and maintained by the employer, without cost to the workers, as may be prescribed by national laws or regulations.

2. The employer shall provide the workers with the appropriate means to enable them to use the individual protective equipment, and shall ensure its proper use.

3. Protective equipment and protective clothing shall comply with standards set by the competent authority taking into account as far as possible ergonomic principles.

4. Workers shall be required to make proper use of and to take good care of the personal protective equipment and protective clothing provided for their use.

Article 31

FIRST AID

The employer shall be responsible for ensuring that first aid, including trained personnel, is available at all times. Arrangements shall be made for ensuring the removal for medical attention of workers who have suffered an accident or sudden illness.

Article 32

WELFARE

1. At or within reasonable access of every construction site an adequate supply of wholesome drinking water shall be provided.

2. At or within reasonable access of every construction site, the following facilities shall, depending on the number of workers and the duration of the work, be provided and maintained—

- (a) sanitary and washing facilities;
- (b) facilities for changing and for the storage and drying of clothing;
- (c) accommodation for taking meals and for taking shelter during interruption of work due to adverse weather conditions.

3. Men and women workers should be provided with separate sanitary and washing facilities.

Article 33

INFORMATION AND TRAINING

Workers shall be adequately and suitably—

- (a) informed of potential safety and health hazards to which they may be exposed at their workplace;
- (b) instructed and trained in the measures available for the prevention and control of, and protection against, those hazards.

Article 34

REPORTING OF ACCIDENTS AND DISEASES

National laws or regulations shall provide for the reporting to the competent authority within a prescribed time of occupational accidents and diseases.

PART IV. IMPLEMENTATION

Article 35

Each Member shall—

- (a) take all necessary measures, including the provision of appropriate penalties and corrective measures, to ensure the effective enforcement of the provisions of the Convention;
- (b) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention and provide these

services with the resources necessary for the accomplishment of their task, or satisfy itself that appropriate inspection is carried out.

PART V. FINAL PROVISIONS

Article 36

This Convention revises the Safety Provisions (Building) Convention, 1937.

Article 37

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 38

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 39

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 40

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 41

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 42

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 43

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 39 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 44

The English and French versions of the text of this Convention are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of June 1988.

The President of the Conference,

WOLFGANG BEYREUTHER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

Convention 168

**Convention concerning Employment Promotion and Protection
against Unemployment¹**

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 Seventy-fifth Session on 1 June 1988,
and

¹ Adopted by the Conference on 21 June 1988 by 366 votes in favour, 0 against, with 26 abstentions.

Emphasising the importance of work and productive employment in any society not only because of the resources which they create for the community, but also because of the income which they bring to workers, the social role which they confer and the feeling of self-esteem which workers derive from them, and

Recalling the existing international standards in the field of employment and unemployment protection (the Unemployment Provision Convention and Recommendation, 1934, the Unemployment (Young Persons) Recommendation, 1935, the Income Security Recommendation, 1944, the Social Security (Minimum Standards) Convention, 1952, the Employment Policy Convention and Recommendation, 1964, the Human Resources Development Convention and Recommendation, 1975, the Labour Administration Convention and Recommendation, 1978, and the Employment Policy (Supplementary Provisions) Recommendation, 1984), and

Considering the widespread unemployment and underemployment affecting various countries throughout the world at all stages of development and in particular the problems of young people, many of whom are seeking their first employment, and

Considering that, since the adoption of the international instruments concerning protection against unemployment referred to above, there have been important new developments in the law and practice of many Members necessitating the revision of existing standards, in particular the Unemployment Provision Convention, 1934, and the adoption of new international standards concerning the promotion of full, productive and freely chosen employment by all appropriate means, including social security, and

Noting that the provisions concerning unemployment benefit in the Social Security (Minimum Standards) Convention, 1952, lay down a level of protection that has now been surpassed by most of the existing compensation schemes in the industrialised countries and, unlike standards concerning other benefits, have not been followed by higher standards, but that the standards in question can still constitute a target for developing countries that are in a position to set up an unemployment compensation scheme, and

Recognising that policies leading to stable, sustained, non-inflationary economic growth and a flexible response to change, as well as to creation and promotion of all forms of productive and freely chosen employment including small undertakings, co-operatives, self-employment and local initiatives for employment, even through the re-distribution of resources currently devoted to the financing of purely assistance-oriented activities towards activities which promote employment especially vocational guidance, training and rehabilitation, offer the best protection against the adverse effects of involuntary unemployment, but that involuntary unemployment nevertheless exists and that it is therefore important to ensure that social security systems should provide employment assistance and economic support to those who are involuntarily unemployed, and

Having decided upon the adoption of certain proposals with regard to employment promotion and social security which is the fifth item on the agenda of the session with a view, in particular, to revising the Unemployment Provision Convention, 1934, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and

eighty-eight the following Convention, which may be cited as the Employment Promotion and Protection against Unemployment Convention, 1988:

PART I. GENERAL PROVISIONS

Article 1

In this Convention:

- (a) the term “legislation” includes any social security rules as well as laws and regulations;
- (b) the term “prescribed” means determined by or in virtue of national legislation.

Article 2

Each Member shall take appropriate steps to co-ordinate its system of protection against unemployment and its employment policy. To this end, it shall seek to ensure that its system of protection against unemployment, and in particular the methods of providing unemployment benefit, contribute to the promotion of full, productive and freely chosen employment, and are not such as to discourage employers from offering and workers from seeking productive employment.

Article 3

The provisions of this Convention shall be implemented in consultation and co-operation with the organisations of employers and workers, in accordance with national practice.

Article 4

1. Each Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude the provisions of Part VII from the obligations accepted by ratification.

2. Each Member which has made a declaration under paragraph 1 above may withdraw it at any time by a subsequent declaration.

Article 5

1. Each Member may avail itself, by a declaration accompanying its ratification, of at most two of the temporary exceptions provided for in Article 10, paragraph 4, Article 11, paragraph 3, Article 15, paragraph 2, Article 18, paragraph 2, Article 19, paragraph 4, Article 23, paragraph 2, Article 24, paragraph 2, and Article 25, paragraph 2. Such a declaration shall state the reasons which justify these exceptions.

2. Notwithstanding the provisions of paragraph 1 above, a Member, where it is justified by the extent of protection of its social security system, may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in Article 10, paragraph 4, Article 11, paragraph 3, Article 15, paragraph 2, Article 18, paragraph 2, Article 19, paragraph 4, Article 23, paragraph 2, Article 24, paragraph 2 and Article 25, paragraph 2. Such a declaration shall state the reasons which justify these exceptions.

3. Each Member which has made a declaration under paragraph 1 or paragraph 2 shall include in its reports on the application of this Convention submitted

under Article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself—

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

4. Each Member which has made a declaration under paragraph 1 or paragraph 2 shall, as appropriate to the terms of such declaration and as circumstances permit –

- (a) cover the contingency of partial unemployment;
- (b) increase the number of persons protected;
- (c) increase the amount of the benefits;
- (d) reduce the length of the waiting period;
- (e) extend the duration of payment of benefits;
- (f) adapt statutory social security schemes to the occupational circumstances of part-time workers;
- (g) endeavour to ensure the provision of medical care to persons in receipt of unemployment benefit and their dependants;
- (h) endeavour to guarantee that the periods during which such benefit is paid will be taken into account for the acquisition of the right to social security benefits and, where appropriate, the calculation of disability, old-age and survivors' benefit.

Article 6

1. Each Member shall ensure equality of treatment for all persons protected, without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, nationality, ethnic or social origin, disability or age.

2. The provisions of paragraph 1 shall not prevent the adoption of special measures which are justified by the circumstances of identified groups under the schemes referred to in Article 12, paragraph 2, or are designed to meet the specific needs of categories of persons who have particular problems in the labour market, in particular disadvantaged groups, or the conclusion between States of bilateral or multilateral agreements relating to unemployment benefits on the basis of reciprocity.

PART II. PROMOTION OF PRODUCTIVE EMPLOYMENT

Article 7

Each Member shall declare as a priority objective a policy designed to promote full, productive and freely chosen employment by all appropriate means, including social security. Such means should include, inter alia, employment services, vocational training and vocational guidance.

Article 8

1. Each Member shall endeavour to establish, subject to national law and practice, special programmes to promote additional job opportunities and employment assistance and to encourage freely chosen and productive employment for identified categories of disadvantaged persons having or liable to have difficulties in finding lasting employment such as women, young workers, disabled persons,

older workers, the long-term unemployed, migrant workers lawfully resident in the country and workers affected by structural change.

2. Each Member shall specify, in its reports under article 22 of the Constitution of the International Labour Organisation, the categories of persons for whom it undertakes to promote employment programmes.

3. Each Member shall endeavour to extend the promotion of productive employment progressively to a greater number of categories than the number initially covered.

Article 9

The measures envisaged in this Part shall be taken in the light of the Human Resources Development Convention and Recommendation, 1975, and the Employment Policy (Supplementary Provisions) Recommendation, 1984.

PART III. CONTINGENCIES COVERED

Article 10

1. The contingencies covered shall include, under prescribed conditions, full unemployment defined as the loss of earnings due to inability to obtain suitable employment with due regard to the provisions of Article 21, paragraph 2, in the case of a person capable of working, available for work and actually seeking work.

2. Each Member shall endeavour to extend the protection of the Convention, under prescribed conditions, to the following contingencies –

- (a) loss of earnings due to partial unemployment, defined as a temporary reduction in the normal or statutory hours of work; and
- (b) suspension or reduction of earnings due to a temporary suspension of work, without any break in the employment relationship for reasons of, in particular, an economic, technological, structural or similar nature.

3. Each Member shall in addition endeavour to provide the payment of benefits to part-time workers who are actually seeking full-time work. The total of benefits and earnings from their part-time work may be such as to maintain incentives to take up full-time work.

4. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraphs 2 and 3 above may be deferred.

PART IV. PERSONS PROTECTED

Article 11

1. The persons protected shall comprise prescribed classes of employees, constituting not less than 85 per cent of all employees, including public employees and apprentices.

2. Notwithstanding the provisions of paragraph 1 above, public employees whose employment up to normal retiring age is guaranteed by national laws or regulations may be excluded from protection.

3. Where a declaration made in virtue of Article 5 is in force, the persons protected shall comprise –

- (a) prescribed classes of employees constituting not less than 50 per cent of all employees; or
- (b) where specifically justified by the level of development, prescribed classes of employees constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.

PART V. METHODS OF PROTECTION

Article 12

1. Unless it is otherwise provided in this Convention, each Member may determine the method or methods of protection by which it chooses to put into effect the provisions of the Convention, whether by a contributory or non-contributory system, or by a combination of such systems.

2. Nevertheless, if the legislation of a Member protects all residents whose resources, during the contingency, do not exceed prescribed limits, the protection afforded may be limited, in the light of the resources of the beneficiary and his or her family, in accordance with the provisions of Article 16.

PART VI. BENEFIT TO BE PROVIDED

Article 13

Benefits provided in the form of periodical payments to the unemployed may be related to the methods of protection.

Article 14

In cases of full unemployment, benefits shall be provided in the form of periodical payments calculated in such a way as to provide the beneficiary with partial and transitional wage replacement and, at the same time, to avoid creating disincentives either to work or to employment creation.

Article 15

1. In cases of full unemployment and suspension of earnings due to a temporary suspension of work without any break in the employment relationship, when this contingency is covered, benefits shall be provided in the form of periodical payments, calculated as follows:

- (a) where these benefits are based on the contributions of or on behalf of the person protected or on previous earnings, they shall be fixed at not less than 50 per cent of previous earnings, it being permitted to fix a maximum for the amount of the benefit or for the earnings to be taken into account, which may be related, for example, to the wage of a skilled manual employee or to the average wage of workers in the region concerned;
- (b) where such benefits are not based on contributions or previous earnings, they shall be fixed at not less than 50 per cent of the statutory minimum wage or of the wage of an ordinary labourer, or at a level which provides the minimum essential for basic living expenses, whichever is the highest;

2. Where a declaration made in virtue of Article 5 is in force, the amount of the benefits shall be equal—

- (a) to not less than 45 per cent of the previous earnings; or
- (b) to not less than 45 per cent of the statutory minimum wage or of the wage of an ordinary labourer but no less than a level which provides the minimum essential for basic living expenses.

3. If appropriate, the percentages specified in paragraphs 1 and 2 may be reached by comparing net periodical payments after tax and contributions with net earnings after tax and contributions.

Article 16

Notwithstanding the provisions of Article 15, the benefit provided beyond the initial period specified in Article 19, paragraph 2(a), as well as benefits paid by a Member in accordance with Article 12, paragraph 2, may be fixed after taking account of other resources, beyond a prescribed limit, available to the beneficiary and his or her family, in accordance with a prescribed scale. In any case, these benefits, in combination with any other benefits to which they may be entitled, shall guarantee them healthy and reasonable living conditions in accordance with national standards.

Article 17

1. Where the legislation of a Member makes the right to unemployment benefit conditional upon the completion of a qualifying period, this period shall not exceed the length deemed necessary to prevent abuse.

2. Each Member shall endeavour to adapt the qualifying period to the occupational circumstances of seasonal workers.

Article 18

1. If the legislation of a Member provides that the payment of benefit in cases of full employment should begin only after the expiry of a waiting period, such period shall not exceed seven days.

2. Where a declaration made in virtue of Article 5 is in force, the length of the waiting period shall not exceed ten days.

3. In the case of seasonal workers the waiting period specified in paragraph 1 above may be adapted to their occupational circumstances.

Article 19

1. The benefits provided in cases of full unemployment and suspension of earnings due to a temporary suspension of work without any break in the employment relationship shall be paid throughout these contingencies.

2. Nevertheless, in the case of full unemployment—

- (a) the initial duration of payment of the benefit provided for in Article 15 may be limited to 26 weeks in each spell of unemployment, or to 39 weeks over any period of 24 months;
- (b) in the event of unemployment continuing beyond this initial period of benefit, the duration of payment of benefit, which may be calculated in the light of the

resources of the beneficiary and his or her family in accordance with the provisions of Article 16, may be limited to a prescribed period.

3. If the legislation of a Member provides that the initial duration of payment of the benefit provided for in Article 15 shall vary with the length of the qualifying period, the average duration fixed for the payment of benefits shall be at least 26 weeks.

4. Where a declaration made in virtue of Article 5 is in force, the duration of payment of benefit may be limited to 13 weeks over any periods of 12 months or to an average of 13 weeks if the legislation provides that the initial duration of payment shall vary with the length of the qualifying period.

5. In the cases envisaged in paragraph 2(b) above each Member shall endeavour to grant appropriate additional assistance to the persons concerned with a view to permitting them to find productive and freely chosen employment, having recourse in particular to the measures specified in Part II.

6. The duration of payment of benefit to seasonal workers may be adapted to their occupational circumstances, without prejudice to the provisions of paragraph 2(b) above.

Article 20

The benefit to which a protected person would have been entitled in the cases of full or partial unemployment or suspension of earnings due to a temporary suspension of work without any break in the employment relationship may be refused, withdrawn, suspended or reduced to the extent prescribed—

- (a) for as long as the person concerned is absent from the territory of the Member;
- (b) when it has been determined by the competent authority that the person concerned had deliberately contributed to his or her own dismissal;
- (c) when it has been determined by the competent authority that the person concerned has left employment voluntarily without just cause;
- (d) during the period of a labour dispute, when the person concerned has stopped work to take part in a labour dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this labour dispute;
- (e) when the person concerned has attempted to obtain or has obtained benefits fraudulently;
- (f) when the person concerned has failed without just cause to use the facilities available for placement, vocational guidance, training, retraining or redeployment in suitable work;
- (g) as long as the person concerned is in receipt of another income maintenance benefit provided for in the legislation of the Member concerned, except a family benefit, provided that the part of the benefit which is suspended does not exceed that other benefit.

Article 21

1. The benefit to which a protected person would have been entitled in the case of full unemployment may be refused, withdrawn, suspended or reduced, to the extent prescribed, when the person concerned refuses to accept suitable employment.

2. In assessing the suitability of employment, account shall be taken, in particular, under prescribed conditions and to an appropriate extent, of the age of unemployed persons, their length of service in their former occupation, their acquired experience, the length of their period of unemployment, the labour market situation, the impact of the employment in question on their personal and family situation and whether the employment is vacant as a direct result of a stoppage of work due to an on-going labour dispute.

Article 22

When protected persons have received directly from their employer or from any other source under national laws or regulations or collective agreements, severance pay, the principal purpose of which is to contribute towards compensating them for the loss of earnings suffered in the event of full unemployment—

- (a) the unemployment benefit to which the persons concerned would be entitled may be suspended for a period corresponding to that during which the severance pay compensates for the loss of earnings suffered; or
 - (b) the severance pay may be reduced by an amount corresponding to the value converted into a lump sum of the unemployment benefit to which the persons concerned are entitled for a period corresponding to that during which the severance pay compensates for the loss of earnings suffered,
- as each Member may decide.

Article 23

1. Each Member whose legislation provides for the right to medical care and makes it directly or indirectly conditional upon occupational activity shall endeavour to ensure, under prescribed conditions, the provision of medical care to persons in receipt of unemployment benefit and to their dependants.

2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.

Article 24

1. Each Member shall endeavour to guarantee to persons in receipt of unemployment benefit, under prescribed conditions, that the periods during which benefits are paid will be taken into consideration—

- (a) for acquisition of the right to and, where appropriate, calculation of disability, old-age and survivors' benefit, and
- (b) for acquisition of the right to medical care and sickness, maternity and family benefit after the end of unemployment,

when the legislation of the Member concerned provides for such benefits and makes them directly or indirectly conditional upon occupational activity.

2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.

Article 25

1. Each Member shall ensure that statutory social security schemes which are based on occupational activity are adjusted to the occupational circumstances of part-time workers, unless their hours of work or earnings can be considered, under prescribed conditions, as negligible.

2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.

PART VII. SPECIAL PROVISIONS FOR NEW APPLICANTS FOR EMPLOYMENT

Article 26

1. Members shall take account of the fact that there are many categories of persons seeking work who have never been, or have ceased to be, recognised as unemployed or have never been, or have ceased to be, covered by schemes for the protection of the unemployed. Consequently, at least three of the following ten categories of persons seeking work shall receive social benefits, in accordance with prescribed terms and conditions:

- (a) young persons who have completed their vocational training;
- (b) young persons who have completed their studies;
- (c) young persons who have completed their compulsory military service;
- (d) persons after a period devoted to bringing up a child or caring for someone who is sick, disabled or elderly;
- (e) persons whose spouse had died, when they are not entitled to a survivor's benefit;
- (f) divorced or separated persons;
- (g) released prisoners;
- (h) adults, including disabled persons, who have completed a period of training;
- (i) migrant workers on return to their home country, except in so far as they have acquired rights under the legislation of the country where they last worked;
- (j) previously self-employed persons.

2. Each Member shall specify, in its reports under article 22 of the Constitution of the International Labour Organisation, the categories of persons listed in paragraph 1 above which it undertakes to protect.

3. Each Member shall endeavour to extend protection progressively to a greater number of categories than the number initially protected.

PART VIII. LEGAL, ADMINISTRATIVE AND FINANCIAL GUARANTEES

Article 27

1. In the event of refusal, withdrawal, suspension or reduction of benefit or dispute as to its amount, claimants shall have the right to present a complaint to the body administering the benefit scheme and to appeal thereafter to an independent body. They shall be informed in writing of the procedures available, which shall be simple and rapid.

2. The appeal procedure shall enable the claimant, in accordance with national law and practice, to be represented or assisted by a qualified person of the claimant's choice or by a delegate of a representative workers' organisation or by a delegate of an organisation representative of protected persons.

Article 28

Each Member shall assume general responsibility for the sound administration of the institutions and services entrusted with the application of the Convention.

Article 29

1. When the administration is directly entrusted to a government department responsible to Parliament, representatives of the protected persons and of the employers shall be associated in the administration in an advisory capacity, under prescribed conditions.

2. When the administration is not entrusted to a government department responsible to Parliament—

- (a) representatives of the protected persons shall participate in the administration or be associated therewith in an advisory capacity under prescribed conditions;
- (b) national laws or regulations may also provide for the participation of employers' representatives;
- (c) the laws or regulations may further provide for the participation of representatives of the public authorities.

Article 30

In cases where subsidies are granted by the State or the social security system in order to safeguard employment, Members shall take the necessary steps to ensure that the payments are expended only for the intended purpose and to prevent fraud or abuse by those who receive such payments.

Article 31

This Convention revises the Unemployment Provision Convention, 1934.

Article 32

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 33

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 34

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 35

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 36

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 37

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 38

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 34 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 39

The English and French versions of the text of this Convention are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of June 1988.

The President of the Conference,

WOLFGANG BEYREUTHER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

Recommendation 175

Recommendation concerning Safety and Health in Construction ¹

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 Seventy-fifth Session on 1 June 1988, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Safety Provisions (Building) Convention and Recommendation, 1937, the Co-operation in Accident Prevention (Building) Recommendation, 1937, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Maximum Weight Convention and Recommendation, 1967, the Occupational Cancer Convention and Recommendation, 1974, the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977, the Occupational Safety and Health Convention and Recommendation, 1985, the Asbestos Convention and Recommendation, 1986, and the list of occupational diseases as revised in 1980 appended to the Employment Injuries Benefits Convention, 1964, and

Having decided upon the adoption of certain proposals with regard to safety and health in construction, 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 Safety and Health in Construction Convention, adopts this twentieth day of June of the year one thousand nine hundred and eighty-eight the following Recommendation, which may be cited as the Safety and Health in Construction Recommendation, 1988:

I. SCOPE AND DEFINITIONS

1. The provisions of the Safety and Health in Construction Convention, 1988 (hereinafter referred to as "the Convention") and of this Recommendation should be applied in particular to:

¹ Adopted by the Conference on 20 June 1988 by 394 votes in favour, 0 against, with no abstentions.

- (a) building, civil engineering and the erection and dismantling of prefabricated buildings and structures, as defined in Article 2(a) of the Convention;
- (b) the fabrication and erection of oil rigs, and of offshore installations while under construction on shore.

2. For the purposes of this Recommendation—

- (a) the term “construction” covers:
 - (i) building, including excavation and the construction, structural alteration, renovation, repair, maintenance (including cleaning and painting) and demolition of all types of buildings or structures;
 - (ii) civil engineering, including excavation and the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbours, inland waterways, dams, river and avalanche and sea defence works, roads and highways, railways, bridges, tunnels, viaducts and works related to the provision of services such as communications, drainage, sewerage, water and energy supplies;
 - (iii) the erection and dismantling of prefabricated buildings and structures, as well as the manufacturing of prefabricated elements on the construction site;
- (b) the term “construction site” means any site at which any of the processes or operations described in clause (a) above are carried on;
- (c) the term “workplace” means all places where workers need to be or to go by reason of their work and which are under the control of an employer as defined in clause (f) below;
- (d) the term “worker” means any person engaged in construction;
- (e) the term “workers’ representatives” means persons who are recognised as such under national law or practice;
- (f) the term “employer” means:
 - (i) any physical or legal person who employs one or more workers on a construction site; and
 - (ii) as the context requires, the principal contractor, the contractor or the subcontractor;
- (g) the term “competent person” means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill for the safe performance of the specific work. The competent authorities may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them;
- (h) the term “scaffold” means any temporary structure, fixed, suspended or mobile, and its supporting components which is used for supporting workers and materials or to gain access to any such structure, and which is not a “lifting appliance” as defined in clause (i) below;
- (i) the term “lifting appliance” means any stationary or mobile appliance used for raising or lowering persons or loads;
- (j) the term “lifting gear” means any gear or tackle by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load.

3. The provisions of this Recommendation should also apply to such self-employed persons as may be specified by national laws or regulations.

II. GENERAL PROVISIONS

4. National laws or regulations should require that employers and self-employed persons have a general duty to provide a safe and healthy workplace and to comply with the prescribed safety and health measures.

5. (1) Whenever two or more employers undertake activities at one construction site, they should have the duty to co-operate with one another as well as with any other persons participating in the construction work being undertaken, including the owner or his representative, in order to comply with the prescribed safety and health measures.

(2) Ultimate responsibility for the co-ordination of safety and health measures on the construction site should rest with the principal contractor or such other person as is primarily responsible for the execution of the work.

6. The measures to be taken to ensure that there is organised co-operation between employers and workers to promote safety and health at construction sites should be prescribed by national laws or regulations or by the competent authority. Such measures should include—

- (a) the establishment of safety and health committees representative of employers and workers with such powers and duties as may be prescribed;
- (b) the election or appointment of workers' safety delegates with such powers and duties as may be prescribed;
- (c) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;
- (d) the training of safety delegates and safety committee members.

7. Those concerned with the design and planning of a construction project should take into account the safety and health of the construction workers in accordance with national laws, regulations and practice.

8. The design of construction equipment, tools, protective equipment and other similar equipment should take account of ergonomic principles.

III. PREVENTIVE AND PROTECTIVE MEASURES

9. Construction work should be planned, prepared and undertaken in such a way that—

- (a) risks liable to arise at the workplace are prevented as soon as possible;
- (b) excessively or unnecessarily strenuous work positions and movements are avoided;
- (c) organisation of work takes into account the safety and health of workers;
- (d) materials and products are used which are suitable from a safety and health point of view;
- (e) working methods are employed which protect workers against the harmful effects of chemical, physical and biological agents.

10. National laws or regulations should provide for the notification to the competent authority of construction sites of such size, duration or characteristics as may be prescribed.

11. Workers should have the right and the duty at any workplace to participate in ensuring safe working conditions to the extent of their control over the equipment and methods of work and to express views on the working procedures adopted as they may affect safety and health.

SAFETY OF WORKPLACES

12. Housekeeping programmes should be established and implemented on construction sites which should include provision for—

- (a) the proper storage of materials and equipment ;
- (b) the removal of waste and debris at appropriate intervals.

13. Where workers cannot be protected against falls from heights by any other means—

- (a) adequate safety nets or safety sheets should be erected and maintained ; or
- (b) adequate safety harnesses should be provided and used.

14. The employer should provide the workers with the appropriate means to enable them to use individual protective equipment and should ensure its proper use. Protective equipment and protective clothing should comply with standards set by the competent authority, taking into account as far as possible ergonomic principles.

15. (1) The safety of construction machinery and equipment should be examined and tested by type or individually, as appropriate, by a competent person.

(2) National laws and regulations should take into consideration the fact that occupational diseases may be caused by machinery, apparatus and systems which do not take account of ergonomic principles in their design.

SCAFFOLDS

16. Every scaffold and part thereof should be of suitable and sound material and of adequate size and strength for the purpose for which it is used and be maintained in a proper condition.

17. Every scaffold should be properly designed, erected and maintained so as to prevent collapse or accidental displacement when properly used.

18. The working platforms, gangways and stairways of scaffolds should be of such dimensions and so constructed and guarded as to protect persons against falling or being endangered by falling objects.

19. No scaffold should be overloaded or otherwise misused.

20. A scaffold should not be erected, substantially altered or dismantled except by or under the supervision of a competent person.

21. Scaffolds as prescribed by national laws or regulations should be inspected, and the results recorded, by a competent person—

- (a) before being taken into use ;
- (b) at periodic intervals thereafter ;
- (c) after any alteration, interruption in use, exposure to weather or seismic conditions or any other occurrence likely to have affected their strength or stability.

LIFTING APPLIANCES AND LIFTING GEAR

22. National laws or regulations should prescribe the lifting appliances and items of lifting gear which should be examined and tested by a competent person—

- (a) before being taken into use for the first time ;
- (b) after erection on a site ;
- (c) subsequently at intervals prescribed by such national laws or regulations ;
- (d) after any substantial alteration or repair.

23. The results of the examinations and tests of lifting appliances and items of lifting gear carried out in pursuance of Paragraph 22 above should be recorded and, as required, made available to the competent authority and to employers and workers or their representatives.

24. Every lifting appliance having a single safe working load and every item of lifting gear should be clearly marked with its maximum safe working load.

25. Every lifting appliance having a variable safe working load should be fitted with effective means to indicate clearly to the driver each maximum safe working load and the conditions under which it is applicable.

26. A lifting appliance or item of lifting gear should not be loaded beyond its safe working load or loads, except for testing purposes as specified by and under the direction of a competent person.

27. Every lifting appliance and every item of lifting gear should be properly installed so as, inter alia, to provide safe clearance between any moving part and fixed objects, and to ensure the stability of the appliance.

28. Where necessary to guard against danger, no lifting appliance should be used without the provision of suitable signalling arrangements or devices.

29. The drivers and operators of such lifting appliances as are prescribed by national laws or regulations should be—

- (a) of a prescribed minimum age ;
- (b) properly trained and qualified.

TRANSPORT, EARTH-MOVING AND MATERIALS-HANDLING EQUIPMENT

30. The drivers and operators of vehicles and of earth-moving or materials-handling equipment should be persons trained and tested as required by national laws or regulations.

31. Adequate signalling or other control arrangements or devices should be provided to guard against danger from the movement of vehicles and earth-moving or materials-handling equipment. Special safety precautions should be taken for vehicles and equipment when manoeuvring backwards.

32. Preventive measures should be taken to avoid the fall of vehicles and earth-moving and materials-handling equipment into excavations or into water.

33. Where appropriate, earth-moving and materials-handling equipment should be fitted with structures designed to protect the operator from being crushed should the machine overturn, and from falling material.

EXCAVATIONS, SHAFTS, EARTHWORKS, UNDERGROUND WORKS AND TUNNELS

34. Shoring or other support for any part of an excavation, shaft, earthworks, underground works or tunnel should not be erected, altered or dismantled except under the supervision of a competent person.

35. (1) Every part of an excavation, shaft, earthworks, underground works and tunnel where persons are employed should be inspected by a competent person at the times and in the cases prescribed by national laws or regulations, and the results recorded.

(2) Work should not be commenced therein until after such an inspection.

WORK IN COMPRESSED AIR

36. The measures regarding work in compressed air prescribed pursuant to Article 21 of the Convention should include provisions regulating the conditions in which the work is to be carried out, the plant and equipment to be used, the medical supervision and control of workers and the duration of work in compressed air.

37. A person should only be allowed to work in a caisson if it has been inspected by a competent person within such preceding period as is prescribed by national laws or regulations; the results of the inspection should be recorded.

PILE DRIVING

38. All pile-driving equipment should be of good design and construction taking into account as far as possible ergonomic principles, and properly maintained.

39. Pile driving should be carried out only under the supervision of a competent person.

WORK OVER WATER

40. The provisions regarding work over water prescribed in pursuance of Article 23 of the Convention should include, where appropriate, the provision and use of suitable and adequate—

- (a) fencing, safety nets and safety harnesses;
- (b) life vests, life preservers, manned boats (motor driven if necessary) and lifebuoys;
- (c) protection against such hazards as reptiles and other animals.

HEALTH HAZARDS

41. (1) An information system should be set up by the competent authority, using the results of international scientific research, to provide information for architects, contractors, employers and workers' representatives on the health risks associated with hazardous substances used in the construction industry.

(2) Manufacturers and dealers in products used in the construction industry should provide with the products information on any health risks associated with them and on the precautions to be taken.

(3) In the use of materials that contain hazardous substances and in the removal and disposal of waste, the health of workers and of the public and the

preservation of the environment should be safeguarded as prescribed by national laws and regulations.

(4) Dangerous substances should be clearly marked and provided with a label giving their relevant characteristics and instructions on their use. They should be handled under conditions prescribed by national laws and regulations or by the competent authority.

(5) The competent authority should determine which hazardous substances should be prohibited from use in the construction industry.

42. The competent authority should keep records of monitoring of the working environment and assessment of workers' health for a period prescribed by national laws and regulations.

43. The manual lifting of excessive weights which presents a safety and health risk to workers should be avoided by reducing the weight, by the use of mechanical devices or by other means.

44. Whenever new products, equipment and working methods are introduced, special attention should be paid to informing and training workers with respect to their implications for safety and health.

DANGEROUS ATMOSPHERES

45. The measures regarding dangerous atmospheres prescribed pursuant to Article 28, paragraph 3, of the Convention should include prior written authority or permission from a competent person, or any other system by which entry into any area in which a dangerous atmosphere may be present can be effected only after completing specified procedures.

FIRE PRECAUTIONS

46. Where necessary to guard against danger, workers should be suitably trained in the action to be taken in the event of fire, including the use of means of escape.

47. Where appropriate suitable visual signs should be provided to indicate clearly the directions of escape in case of fire.

RADIATION HAZARDS

48. Stringent safety regulations should be drawn up and enforced by the competent authority with respect to construction workers engaged in the maintenance, renovation, demolition or dismantling of any buildings in which there is a risk of exposure to ionising radiations, in particular in the nuclear power industry.

FIRST AID

49. The manner in which first-aid facilities and personnel are to be provided in pursuance of Article 31 of the Convention should be prescribed by national laws or regulations drawn up after consulting the competent health authority and the most representative organisations of employers and workers concerned.

50. Where the work involves risk of drowning, asphyxiation or electric shock, first-aid personnel should be proficient in the use of resuscitation and other life-saving techniques and in rescue procedures.

WELFARE

51. In appropriate cases, depending on the number of workers, the duration of the work and its location, adequate facilities for obtaining or preparing food and drink at or near a construction site should be provided, if they are not otherwise available.

52. Suitable living accommodation should be made available for the workers at construction sites which are remote from their homes, where adequate transportation between the site and their homes or other suitable living accommodation is not available. Men and women workers should be provided with separate sanitary, washing and sleeping facilities.

IV. EFFECT ON EARLIER RECOMMENDATIONS

53. This Recommendation supersedes the Safety Provisions (Building) Recommendation, 1937, and the Co-operation in Accident Prevention (Building) Recommendation, 1937.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of June 1988.

The President of the Conference,

WOLFGANG BEYREUTHER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

Recommendation 176

Recommendation concerning Employment Promotion and Protection against Unemployment¹

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 Seventy-fifth Session on 1 June 1988,
and

Having decided upon the adoption of certain proposals with regard to employment promotion and social security which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Promotion and Protection against Unemployment Convention, 1988,

¹ Adopted by the Conference on 21 June 1988 by 375 votes in favour, 0 against, with 17 abstentions.

adopts this twenty-first day of June of the year one thousand nine hundred and eighty-eight the following Recommendation, which may be cited as the Employment Promotion and Protection against Unemployment Recommendation, 1988.

I. GENERAL PROVISIONS

1. In this Recommendation—

- (a) the term “legislation” includes any social security rules as well as laws and regulations;
- (b) the term “prescribed” means determined by or in virtue of national legislation;
- (c) the term “the Convention” means the Employment Promotion and Protection against Unemployment Convention, 1988.

II. PROMOTION OF PRODUCTIVE EMPLOYMENT

2. The promotion of full, productive and freely chosen employment by all appropriate means, including through social security, should be a priority objective of national policy. Such means should include, inter alia, employment services, vocational training and vocational guidance.

3. In periods of economic crisis, adjustment policies should include, under prescribed conditions, measures to encourage initiatives which involve the maximum use of labour on a large scale.

4. Members should endeavour to grant in particular, under prescribed conditions and in the most appropriate manner, by way of occupational mobility incentives—

- (a) allowances towards the costs of travel and equipment necessary to take advantage of the services provided for in Paragraph 2 above;
- (b) allowances in the form of periodical payments calculated in accordance with the provisions of Article 15 of the Convention for a prescribed period of vocational training or retraining.

5. Members should in addition consider granting in particular, under prescribed conditions and in the most appropriate manner, by way of occupational or geographical mobility incentives—

- (a) temporary degressive allowances designed to offset, where appropriate, a reduction in pay as a result of redeployment;
- (b) allowances towards travel and removal costs;
- (c) separation allowances;
- (d) resettlement grants.

6. Members should ensure co-ordination of statutory pension schemes and encourage co-ordination of private pension schemes in order to remove barriers to occupational mobility.

7. Members should offer to protected persons, under prescribed conditions, facilities to enable them to engage in remunerated temporary employment without endangering the employment of other workers and with the purpose of improving their own chances of obtaining productive and freely chosen employment.

8. Members should, as far as possible, offer to unemployed persons who wish to set up their own business or take up another economic activity, financial assistance and advisory services under prescribed conditions.

9. Members should give consideration to the conclusion of bilateral and multilateral agreements which provide for assistance to foreign workers protected by their legislation who freely wish to return to the territory of the State of which they are nationals or in which they formerly resided. Where such agreements do not exist, Members should provide, through national legislation, financial assistance to the workers concerned.

10. Members should, in accordance, if appropriate, with provisions in multilateral agreements, invest any reserves accumulated by statutory pension schemes and provident funds in such a way as to promote and not to discourage employment within the country, and encourage such investment from private sources, including private pension schemes, while at the same time affording the necessary guarantees of security and yield of the investment.

11. The progressive introduction in rural and urban areas of community services, including health-care services, financed by social security contributions or by other sources, should lead to increased employment and the provision of training of personnel, while at the same time making a practical contribution to the achievement of national objectives regarding employment promotion.

III. PROTECTION OF UNEMPLOYED PERSONS

12. In case of partial unemployment and in the case referred to in Article 10, paragraph 3, of the Convention, benefit should be provided, under prescribed conditions, in the form of periodical payments fairly compensating for the loss of earnings due to unemployment. These benefits might be calculated in the light of the reduction of hours of work suffered by the unemployed persons or so that the total of the benefit and the earnings from the part-time work reaches a sum between the amount of the previous earnings from full-time work and the amount of the full unemployment benefit, so as not to discourage part-time or temporary work, when these forms of work may assist in a return to full-time work.

13. (1) The percentages specified in Article 15 of the Convention for the calculation of benefits should be reached on the basis of the gross earnings of the beneficiary before tax and social security contributions.

(2) If appropriate, these percentages may be reached by comparing net periodical payments after tax and contributions with net earnings after tax and contributions.

14. (1) The concept of suitable employment should, under prescribed conditions, not apply to—

- (a) employment involving a change of occupation which does not take account of the abilities, qualifications, skills, work experience or the retraining potential of the person concerned;
- (b) employment involving a change of residence to a place in which suitable accommodation is not available;
- (c) employment in which the conditions and remuneration are appreciably less favourable than those which are generally granted, at the relevant time, in the occupation and district in which the employment is offered:

- (d) employment vacant as a direct result of a stoppage due to an ongoing labour dispute;
- (e) employment such that, for a reason other than those covered in clauses (a) to (d), and with due regard to all attendant circumstances, including the family responsibilities of the person concerned, the refusal of the employment is not unreasonable.

(2) In assessing the criteria specified in clauses (a) to (c) and (e) above, account should be taken in general of the age of the unemployed persons, of their length of service in their former occupation, of their acquired experience, of the duration of their unemployment, of the state of the labour market and of the repercussions of the employment on their personal and family situations.

15. If an unemployed person has agreed to accept, for a prescribed maximum period, temporary employment which cannot be regarded as suitable within the meaning of Paragraph 14 above, or part-time employment in the circumstances covered in Article 10, paragraph 3, of the Convention, the level and duration of unemployment benefit paid at the end of such employment should not be adversely affected by the earnings of the unemployed person from that employment.

16. Members should endeavour to extend progressively the application of their legislation concerning unemployment benefit to cover all employees. However, public employees whose employment up to normal retirement age is guaranteed by national laws or regulations may be excluded from protection.

17. Members should endeavour to protect workers who are experiencing hardship in a waiting period.

18. The following provisions should be applicable, as appropriate, to the categories of persons mentioned in Article 26, paragraph 1, of the Convention:

- (a) in cases of full unemployment, the benefit may be calculated in accordance with the provisions of Article 16 of the Convention;
- (b) the qualifying period should be adapted or waived, under prescribed conditions, for certain of the categories of persons newly seeking work;
- (c) when benefit is provided without a qualifying period—
 - (i) the waiting period may be increased to a prescribed length;
 - (ii) the duration of payment of benefit may be limited under prescribed conditions notwithstanding the provision of Article 19, paragraph 1, of the Convention.

19. When the duration of payment of benefit is limited by national legislation, it should be extended, under prescribed conditions, until pensionable age for unemployed persons who have reached a prescribed age prior to the pensionable age.

20. Members whose legislation provides for the rights to medical care and makes it directly or indirectly conditional upon occupational activity should endeavour to ensure, under prescribed conditions, the provision of medical care to unemployed persons, including, if possible, those who are not in receipt of unemployment benefit, and to their dependants.

21. Members should endeavour to guarantee to persons in receipt of unemployment benefit, under prescribed conditions, that the periods during which benefits are paid will be taken into consideration—

- (a) for acquisition of the right to and, where appropriate, calculation of disability, old-age and survivors' benefit, and
- (b) for acquisition of the right to medical care and sickness, maternity and family benefit after the end of unemployment,

when the legislation of the Member concerned provides for such benefits and makes them directly or indirectly conditional upon occupational activity.

22. Members should endeavour to make adjustments of statutory social security schemes which are based on occupational activity to the occupational circumstances of part-time workers. Such adjustments, provided for in Article 25 of the Convention, should relate in particular, under prescribed conditions to—

- (a) the minimum hours of work and minimum earnings necessary for the entitlement to benefits under the basic and supplementary schemes;
- (b) maximum earnings for the calculation of contributions;
- (c) the qualifying period for entitlement to benefit;
- (d) the methods of calculating cash benefits, in particular pensions, on the basis of earnings and of the length of the period of contribution, insurance or occupational activity;
- (e) entitlement to non-reduced minimum benefits and flat-rate benefits, in particular family allowances.

23. Members should endeavour to promote a real understanding of the hardships of unemployed persons, particularly those who have been unemployed for a long period, and their need for sufficient income.

IV. DEVELOPMENT AND IMPROVEMENT OF SYSTEMS OF PROTECTION

24. Since the systems of protection for the unemployed of some Members are in the early stages of development and others may have to consider changes to existing schemes in the light of changing needs, a variety of approaches may legitimately be taken in assisting the unemployed, and Members should give high priority to a full and frank exchange of information on programmes of assistance for the unemployed.

25. With a view to reaching at least the standards laid down in Part IV (Unemployment Benefit) of the Social Security (Minimum Standards) Convention, 1952, Members which intend to develop their system of protection against unemployment should be guided, in so far as is possible and appropriate, by the following provisions.

26. (1) Members should be aware of the technical and administrative difficulties involved in the planning and introduction of social security mechanisms for the compensation of unemployment. In order to introduce forms of unemployment compensation through the payment of benefits of a non-discretionary nature, they should seek to meet the following conditions as soon as possible—

- (a) the introduction and satisfactory operation of a free public employment service containing a network of employment offices and having acquired sufficient administrative capacity to collect and analyse information on the employment market, to register job offers and jobseekers and to verify objectively that persons are involuntarily unemployed;
- (b) a reasonable level of coverage by and extensive experience in the administration of other branches of social security deemed to have priority on social and

economic grounds, such as primary health care and compensation for employment accidents.

(2) Members should, as a major priority, seek to meet the conditions set out in subparagraph (1) above by promoting a sufficiently high level of stable employment offering adequate wages and working conditions, in particular through necessary and appropriate measures, such as vocational guidance and training, to facilitate voluntary matching of skills on the labour market to available job vacancies.

(3) The co-operation and technical advice of the International Labour Office should continue to be put to good advantage in supporting any initiative taken by Members in this respect in cases where there is insufficient national expertise.

(4) When the conditions specified in subparagraph (1) above are met, Members should, as rapidly as their resources permit, and if necessary in stages, introduce programmes for the protection of the unemployed, including social security mechanisms for the compensation of unemployment.

27. In cases where the conditions referred to in Paragraph 26(1) are not met, Members should give priority to special assistance measures for the most needy unemployed persons, to the extent permitted by the available resources and in the context of national conditions.

28. Members which have set up a national provident fund might examine the possibility of authorising the payment of periodical cash benefits to the holders of accounts whose earnings are interrupted by long-term unemployment and whose family situation is precarious in order to provide for their essential needs. The level of this benefit and the period during which it is payable might be limited according to the circumstances, in particular the amount credited to the account.

29. Members might also encourage employers' and workers' organisations to set up assistance funds at the enterprise or inter-enterprise level. These could advantageously be introduced in the enterprises and sectors of activity which have sufficient economic capacity.

30. Members whose laws or regulations require employers to make severance payments to workers who have lost their jobs should envisage making provision for the employers to bear this responsibility in common through the creation of funds financed by employers' contributions, so as to ensure the receipt of these payments by the workers concerned.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of June 1988.

The President of the Conference,

WOLFGANG BEYREUTHER

The Director-General of the International Labour Office,

FRANCIS BLANCHARD

RESOLUTIONS

I

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107)”¹

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the sixth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107);

Decides that the question of the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), shall be included in the agenda of its next ordinary session for a second discussion with a view to the adoption of a Convention.

II

Resolution concerning rural employment promotion²

The General Conference of the International Labour Organisation,

Having taken note of Report VII on rural employment promotion;

1. Adopts the following conclusions;
2. Invites the Governing Body to request the Director-General:
 - (a) to bring these conclusions to the attention of member States and of workers' and employers' organisations;
 - (b) to take these conclusions into account in preparing the Programme and Budget Proposals for 1990-91 and future biennia, and in preparing or revising future medium-term plans for the Organisation.

CONCLUSIONS CONCERNING RURAL EMPLOYMENT PROMOTION

INTRODUCTION

1. Global unemployment and underemployment are the challenge of our time in the present context of growing population and increased urbanisation. Under-utilisation of labour, and the associated problem of poverty, affect many countries at all levels of development. These difficulties have been compounded by an increasingly difficult international environment. The problem is particularly acute in developing countries where decades of unbalanced development have contributed to limiting the capacity of the urban and modern sectors of the economy to

¹ Adopted on 21 June 1988.

² Adopted on 22 June 1988.

generate sufficient employment and economic growth. The debt problem, declining commodity prices, fluctuating exchange rates and protectionism have led to a drastic reduction in export earnings and in the import capacity of developing countries. Faced with this situation, many countries have had to adopt structural adjustment programmes which have affected employment prospects, at least in the short term. In the search for a solution to the employment problem, rural economies of both developed and developing countries will have a major role to play. Economic growth provides the most desirable environment for employment creation and should be accompanied by income growth in particular for the poorest sections of society.

2. Looking ahead, there are challenging tasks to be undertaken. The relationship between agricultural policies of developed countries and the export earnings of, and employment in, developing countries require a more liberal approach to trade in the developed countries. In industrialised market economies an important issue which needs to be confronted relates to the costs and benefits of alternative policy options to deal with agricultural surpluses, protection and food prices. An awareness of problems connected with international trade should be encouraged at all levels within these countries. The results of significant changes in international trade would be complex and would vary between countries and within countries. It can be expected that change would have implications for employment and employment promotion policies in both developed and developing countries.

3. In centrally planned economies the current initiatives towards reform may have far-reaching implications for agricultural productivity and employment. A major issue in this respect relates to the optimum organisational structure and the institutionalisation of the recent reforms. These reforms aim at the expansion of technological innovations with a view to increasing efficiency and labour productivity in agriculture. Such changes would release labour for industry and services and would increase the supply of food for the urban areas.

4. In developing countries the rapid increase of population and the labour force will continue in the foreseeable future. There is sufficient evidence that agriculture alone will not be able to absorb the increase in the labour force, even under the most optimistic scenarios. Major reorientations in social and economic policies will be required to create the appropriate framework for the increase in employment opportunities and incomes of the rural population, who are generally poor, in the agricultural as well as the non-farm economies of developing countries. The lessons of past experience, together with the present difficult international environment, emphasise the need to devise new development strategies at the national and international levels in which the crucial role of the rural sector is fully recognised, and to create more favourable macro-economic conditions for the rural sector. Under the present conditions, in many countries, revival of growth itself requires acceleration of agricultural growth and development of trade linkages between agriculture and industry. There is also an urgent need to increase income growth, to combat mass poverty, unemployment and underemployment in rural areas and to bring about an equitable distribution of the benefits of growth. In pursuing such a strategy, particular attention should be given to closing the rural-urban gap through the creation of appropriate infrastructures, and to the full participation of women.

5. While the challenges of employment are great, taking a forward look points to increased opportunities. There are signs of gradual recovery from the global recession of the early 1980s. Major technological innovations are now being adopted in agriculture, offering encouraging prospects for raising productivity and

increasing incomes and employment, but at the same time in some cases exposing workers to new hazards and risks to employment. It is necessary that workers should be adequately protected against potential occupational hazards, for example, chemical and biological hazards deriving from those innovations. There is a growing awareness that efforts at the international level should be directed at protecting the poor, especially the rural poor, against the shocks of negative international developments. All these trends point out the opportunities that exist in facing up to the challenge of global unemployment and underemployment.

NATIONAL ACTION

6. All countries, whatever their level of development, and whatever their economic and social systems, need to give greater attention to the contribution that the development and modernisation of rural areas can make to overall growth, to balanced economic and social development, and to the solution of their employment problems.

7. Countries should ensure that:

- (a) strategies and policies for growth and development lead to a better balance between rural and urban areas, and to a strengthening of the linkages between agriculture and industry. The rural sector, including agriculture, plantations, forestry, animal husbandry, fisheries and non-agricultural enterprises, can make an important contribution to industrial development as a supplier of food and raw materials, as a market for local industrial products and as a provider of investible surplus in rural areas. Small and medium-sized enterprises should be promoted in accordance with the conclusions adopted by the Conference at its 72nd Session (1986) concerning the promotion of small and medium-sized enterprises. Appropriate policies regarding prices, credit, taxation, technology, investment and institutional development should be considered, taking into account their social implications. Rural workers' organisations should be promoted in accordance with the Rural Workers' Organisations Convention, 1975 (No. 141);
- (b) adequate opportunities for gainful and productive employment in farm and non-farm activities, particularly for youth, are provided to the inhabitants of rural areas so as to improve the standard of living in these areas, and to stem the exodus of the rural population to the large cities. The special needs of vulnerable and disadvantaged groups such as the handicapped should be accorded appropriate attention. Special consideration should also be given to indigenous and tribal populations;
- (c) policies for overall rural development make adequate provision for hydraulic, electrical, communication and other infrastructural development as well as health, housing, education and cultural services, thus reducing the gap in living conditions between rural and urban areas;
- (d) every effort is made to provide seasonal, part-time, casual and migrant workers and contract labour with adequate social protection and working conditions. Every effort should also be made to create alternative employment opportunities during the rest of the year. In this connection, attention should be given to the ratification and full implementation of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96);
- (e) women's central role in rural development is fully recognised and women are given equal access to basic resources, productive assets and property rights. In recognition of women's double work burden related to employment and family

responsibilities, measures to provide them with adequate social services and appropriate technologies should be given priority. In parallel, non-traditional productive activities for women should be supported and women's access to decision-making institutions should be facilitated;

- (f) agricultural policies, including pricing policies, are so designed as to increase productivity, ensure sufficient supply of food to all people, and provide adequate incentives and incomes to food producers, particularly in developing countries;
- (g) every encouragement is given to the development of rural non-farm activities (including rural industries and services) which can on the one hand provide locally many of the goods, services, infrastructural facilities and equipment needed for agricultural growth and employment, using local resources and locally produced inputs to the maximum extent possible, and on the other hand provide employment and incomes to a significant section of the rural labour force. In this context, encouragement and assistance needs to be given to the growth of enterprises in rural areas, especially small and medium-sized ones and co-operatives, ensuring them adequate access to capital, credit, equipment, markets and skills;
- (h) policies for education, vocational training and technical advisory services, available on a continuing basis, and human resource development are so designed as to provide rural populations, including youth, women and children, with the skills and aptitudes required for productive employment, both in the farm and non-farm sectors, in rural areas;
- (i) provision is made for the progressive extension of social security, retraining and other measures to assist the rural population in finding alternative employment opportunities whenever they are affected by changes in the economic environment;
- (j) representative organisations of employers and workers are consulted in the design and implementation of policies, programmes and projects for overall rural development. Encouragement should also be given to local initiatives for employment. In conformity with the Rural Workers' Organisations Convention, 1975 (No. 141) and Recommendation (No. 149), member States should encourage the growth of strong rural workers' organisations, and should take appropriate measures for the ratification and application of those instruments;
- (k) due attention is given to the protection and rehabilitation of the rural environment and particularly to addressing the problems of soil deterioration and erosion, so as to provide the basis for sustainable development and employment growth in rural areas; and
- (l) where rural employment promotion requires the introduction of technological change and innovation, due attention is paid to rural workers' health and safety, including their protection against chemical and biological hazards.

Developed countries

8. In industrialised market economies, important issues include the costs and benefits of alternative policy options aimed at a more liberal trade in agricultural products, a reduction in agricultural surpluses and a diminished production-stimulating support with a view to reducing the budgetary burdens of such support and to further opening up markets for developing countries. In this context consideration should be given to policies designed to: (a) minimise the potentially negative effects, particularly on the poorest regions and the poorest segments of the populations; (b) encourage the development of small and medium-sized enter-

prises to provide jobs for the farmers and agricultural workers affected; (c) promote the protection and preservation of the rural environment; (d) discourage rural exodus leading to more unemployment in urban areas; and (e) take measures to ensure appropriate food security. Member States should extend social security, training, retraining and other measures to facilitate labour mobility particularly during the transitional phase. Innovative policies in this respect should aim at increasing employment opportunities in the rural areas so as to contribute to a reduction in overall unemployment.

9. The recent developments in centrally planned economies pose a challenge for planners and policy-makers. Attempts at reform and restructuring must give agriculture an important place in future development. These countries, in introducing new policy measures for increasing efficiency and labour productivity in agriculture, should focus on: (a) reforms concerning prices, methods of labour remuneration, and organisation of work; (b) the introduction of institutional changes that guarantee greater farm autonomy and decentralisation in decision-making and access to ownership of land in accordance with national legislation; (c) policies to assist workers who may be displaced as a consequence of the reforms; and (d) appropriate support to the creation of small and medium-sized enterprises in rural areas. These countries should also focus on further increasing their imports of agricultural products from developing countries.

Developing countries

10. The acute situation in developing countries, reflected in massive unemployment, underemployment, poverty, malnutrition and high child mortality rates, requires the assignment of a central role to rural employment promotion. This is particularly important in view of the difficult international environment which has prevailed since the early 1980s. Given the decline in resources available to these countries due to the debt servicing burden, the fall in commodity prices, rising interest rates and trade barriers, member States should mobilise the political will to adopt policies and programmes in support of a rural employment-oriented strategy of development, aiming at the alleviation of rural poverty, the creation of income generating activities and the improvement of the socio-economic well-being of rural people. This should include the following elements:

- (a) in defining their national development strategies, particularly in the context of structural adjustment and the need for recovery, member States should give priority to employment promotion, economic growth and modernisation of the rural sector. Structural adjustment programmes should be so designed as to improve the productive potential of undertakings of all types and increase the productive and income-earning capacity of the weakest groups. The rural sector's share in investment and public expenditure, especially in the development of infrastructure and social services, should be commensurate with its relative importance in population and poverty. Furthermore, pricing, subsidy and other macro-policies should be so designed as to provide adequate incentives to rural producers and to develop market linkages between the rural and urban sectors;
- (b) in designing population policy, priority should be accorded to the promotion of family planning based on education complemented by family and child health care measures and basic literacy in rural areas;
- (c) in order to bring about a more balanced spatial distribution of population, and mitigate the impact of excessive urbanisation, member States should give consideration to the development of small and medium-sized towns and the

encouragement of small and medium-sized agro-industrial enterprises, including those processing plantation crops;

- (d) member States should design an employment-oriented strategy of rural development that aims at promoting labour absorption in both the farm and non-farm sectors. The non-farm sector must play a key role in this strategy;
- (e) the promotion of labour absorption in agriculture requires designing an integrated set of programmes in support of smallholders aiming at increasing productivity and employment of this important sector. Such programmes should include the adoption of policies which stimulate crop diversification and the diffusion of high-yielding varieties, appropriate farm equipment, biotechnological innovations and the results of agricultural research, paying due attention to the environment as well as to the health and safety of rural workers, including their protection against occupational hazards; the provision of adequate credit, extension, training and marketing services; the allocation of public investment to irrigation development, and the adoption of programmes of subsidies and credit to enable smallholders to make fuller use of their land through irrigation. In cases where very small holdings are unproductive or inefficient because of their size, voluntary consolidation of holdings or production units should be encouraged so as to optimise production and marketing;
- (f) the right to freely chosen employment and to own property should be recognised. In certain situations, agrarian reform involving redistribution of property rights in land in favour of the landless or small producers, would assist the modernisation of agriculture, employment opportunities and equitable rural development. Wherever appropriate, such reforms should be undertaken within the context of an overall rural development strategy, with the objectives of promoting optimum use of land and facilitating the application of appropriate new technologies, and should be carried out through just legal procedures, providing effective and equitable compensation and access to independent judicial process for those adversely affected. Such reforms would need to be accompanied by measures to improve facilities for credit, input supply, marketing, training and extension services. Since in many countries different types of property title coexist, there should be legal security of property and/or tenure;
- (g) the development of a dynamic non-farm sector (rural and agro-based industries and services) requires: (i) designing innovative policies to provide incentives for the channelling of agricultural resources into value-adding non-farm enterprises; (ii) creating infrastructure and other facilities including credit, training, marketing and technology; (iii) stimulating and respecting various organisational forms of production in conformity with basic human rights; and (iv) implementing complementary policies to support and legitimise the role of the informal sector with access to financing, appropriate technologies and enterprise skills;
- (h) any direct employment creation programmes that may exist should lead to an increase in the bargaining power of rural workers, and ensure adequate remuneration and, where applicable, social protection through legislation for both men and women. In this context, priority should be given to the ratification and full implementation of the Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99);
- (i) in designing and implementing rural employment policies, special attention should be paid to enabling women's full participation in the development

process. In particular, emphasis should be given to: (i) ensuring their equitable access to training, employment extension services and productive assets including land; (ii) enforcing equality of pay and guaranteeing social protection; (iii) encouraging women's full integration into rural workers' organisations on the basis of a recognition of their particular needs and concerns and ensuring their full participation and influence in rural development processes, including through women's organisations in the service of the community; and (iv) encouraging and promoting women's participation in small and medium-sized enterprises in rural areas;

- (j) national strategies should take full account of the basic needs of the rural population with a view to closing the gap between urban and rural living standards;
- (k) the success of rural employment strategies requires full participation by rural workers and employers through their freely chosen organisations in all phases of planning, implementation and evaluation. Within this context, member countries are called upon to increase efforts to step up the ratification and application of ILO instruments concerning the rural sector, especially the Rural Workers' Organisations Convention, 1975 (No. 141), and Recommendation (No. 149), the Plantations Convention, 1958 (No. 110), and the Tenants and Share-croppers Recommendation, 1968 (No. 132);
- (l) encouragement of rural workers' and employers' organisations to participate more fully in the organisation of services for people's health care; literacy; training; the provision of safe drinking water, electricity, communications and other facilities to the villages; group-based credit programmes for the poor; and the promotion of workers' education for strengthening their active participation in rural workers' organisations;
- (m) production, marketing, credit and other types of rural co-operatives have a major role to play in promoting employment, development and self-sufficiency. The rural population should have free access, democratic control and independence from any external interference in the creation and functioning of co-operatives. Their development should be encouraged, in conformity with the Co-operatives (Developing Countries) Recommendation, 1966 (No. 127). Efforts should be made to develop training, credit, marketing and other facilities to enable co-operatives to mobilise local resources and increase the access of the rural population to productive resources and services;
- (n) policy-making is often constrained by the lack of relevant data, particularly on rural employment and incomes. Member countries should undertake determined efforts to improve the data base for policy-making particularly by providing information disaggregated by sex and by rural and urban sector separately;
- (o) care should be taken to ensure that all appropriate research data are communicated to the local level so that they can be utilised and their benefits realised; and
- (p) existing programmes should be evaluated and the lessons learned taken into account for application in future programmes.

INTERNATIONAL ACTION

11. Recognising the need to improve the international environment for developing countries, and taking account of the Conclusions adopted by the High-Level

Meeting on Employment and Structural Adjustment and the special responsibility of the ILO in the United Nations system for labour and social matters including the promotion of full, productive and freely chosen employment and its responsibility to examine and consider economic and financial policies in the light of their impact on employment and social conditions, the Conference calls upon the international community:

- (a) to take the necessary steps for a more liberal international trade, avoiding distortions, together with appropriate protective social policy measures;
- (b) to find a solution to reduce the debt burden of developing countries;
- (c) to facilitate increased flows of capital and aid; and
- (d) to develop mechanisms for the transfer to developing countries of appropriate technological innovation, including biotechnology, and the use of raw materials for industrial processing.

THE ROLE OF THE ILO

12. In view of the impact of macro-economic policies, especially those aiming at economic reform and structural adjustment, on employment and livelihood of the rural population, the Conference urges the ILO to reassess present research on the interlinkages between macro-economic policies and employment and poverty in the rural areas with a view to undertaking innovative, original applied research on these topics. The main objective of this research should be to provide sound advisory services and data to ILO constituents in order to assist them in promoting growth strategies for recovery.

13. The ILO should, within its field of competence, combine research, advisory services and technical co-operation to strengthen its assistance to member States in the following areas:

- (a) the design of strategies aiming at increasing labour absorption in rural areas through the promotion of growth linkages between agriculture and the non-farm rural economy. Such strategies should aim at increasing productivity in both sectors through the adoption of innovative and appropriate technology and the promotion of new enterprises. The ILO's work should include: (i) documenting and disseminating knowledge on the appropriate macro and micro policies for promoting economic growth, labour absorption and productivity in agriculture and the non-farm economy; (ii) studying the methods of strengthening the agriculture/non-agriculture linkages in the rural areas; (iii) the formulation of alternative options for employment promotion policies, particularly for the least developed countries; (iv) studying the impact on rural employment and production of different systems of ownership; (v) documenting and studying the ways of developing rural-urban linkages as well as linkages with the non-traditional export markets; and (vi) studying the impact of structural adjustment programmes on employment and food security. The ILO should advise governments on the employment aspects of alternative adjustment programmes, particularly in the least developed countries;
- (b) the promotion of employment in the rural non-farm economy, this being a crucial element in the promotion of employment in the rural areas in the medium term. Technical co-operation projects in this area should shift away from isolated micro projects into more inter-related projects of a coherent programme. In line with the conclusions adopted by the Conference at its 72nd Session (1986) concerning the promotion of small and medium-sized enter-

prises, the ILO should pay special attention to the role that such enterprises can play in rural development. The Conference calls upon the ILO to organise, where appropriate, non-farm employment strategy missions, in co-operation with other agencies, in order to assist governments and employers' and workers' organisations in the promotion of rural non-farm activities;

- (c) the promotion of labour absorption in agriculture in developing countries. Particular emphasis should be given to: (i) designing the appropriate institutional framework for promoting increased agricultural production and employment; (ii) providing assistance to maximise the employment potential of the introduction of improved technologies such as high-yielding varieties, improved farm equipment and bio-technology; (iii) assisting in the establishment of occupational safety and health programmes for agricultural workers; (iv) acting as a "clearing house" for information on successful experiences of increased labour absorption in agriculture and the real living conditions obtained by the workers; and (v) assisting rural workers' and employers' organisations in the formulation of socio-economic programmes;
- (d) the design of an integrated programme in support of smallholders in the rural areas of developing countries with a view to increasing the production of food and the promotion of employment. Such an approach might include: (i) the design of an innovative institutional framework for improving access to credit, particularly for the poor; (ii) the provision of appropriate training, complemented by access to appropriate technical assistance, by introducing innovative and participatory training approaches and methodologies; and (iii) the provision of technology suited to the needs of small farmers, keeping in view their safe working conditions;
- (e) the development of appropriate approaches to, and programmes for, enhancing technical, managerial, organisational, enterprise and other skills for men and women to enable them to participate in and benefit from the process of growth and development in rural areas;
- (f) the development of strategies, within the International Programme for the Improvement of Working Conditions and Environment (PIACT), for improving the living and working conditions of rural workers;
- (g) the documentation and dissemination of information on the causes and dimensions of rural poverty with particular emphasis on the linkages between rural and urban poverty caused by migratory movements. In this respect emphasis should be given to special anti-poverty and direct employment creation programmes targeted at the most disadvantaged groups. These should include special public works programmes, food-for-work programmes and other direct intervention;
- (h) giving priority to activities in support of rural women. Particular emphasis should be given to: (i) continuing research and documentation on the constraints on employment, conditions of work and differential impact of policies on rural women; (ii) direct measures to increase returns to women's labour in agricultural, productive and economically viable employment opportunities; (iii) encouraging the development of social amenities including provision of safe water supply, easy access to fuel and child-care facilities; (iv) steps to encourage women's full participation and influence in economic and social development; (v) women's access to decision-making bodies; and (vi) developing productive non-traditional activities for women;
- (i) the design of programmes aimed at documenting and improving the legal, economic and social conditions of home-based workers;

- (j) the design of programmes aimed at documenting and improving the legal, economic and social condition of the informal sector, which is now recognised as an important element of the rural sector both in terms of employment creation and in terms of generation of productive activities;
- (k) the promotion of the full participation of employers' organisations and workers' organisations as defined in the Rural Workers' Organisations Convention, 1975 (No. 141), in designing and implementing rural employment policies. In this respect emphasis should be given to assisting the rural population in the creation and development of their own organisations, to the promotion of legislation protecting rural workers and their organisations, and to workers' education programmes for such organisations; and
- (l) the collection and dissemination of data by sex, region and sector, on rural employment, wages, incomes and other aspects of development, and assistance to member States in creating systems to monitor the conditions in rural areas, especially of the poor groups. It should also make greater efforts to disseminate such data and the results of its research on the experience of different countries to a wider audience on a regular basis.

14. The ILO's technical co-operation programmes should aim at the promotion of national self-reliance, respond to the priorities and needs as defined by member States, and be carried out in close consultation with the social partners, including those in the recipient countries. In allocating resources to such programmes, every encouragement should be given to the promotion of human rights, including freedom of association and the right to organise. The ILO should continue and expand its work related to the evaluation and monitoring of the socio-economic impact of technical co-operation projects and ensure the dissemination of the results of its inquiries and the lessons of its experience, both successes and failures. Special attention should be given to the effectiveness of technical co-operation projects.

15. The ILO should vigorously promote and monitor the ratification and application of relevant ILO standards, particularly those related to such basic human rights as freedom of association and the right to organise of rural workers, non-discrimination and abolition of forced labour as well as of child labour. The ILO should also investigate the reasons for the limited ratification of the Rural Workers' Organisations Convention, 1975 (No. 141), and the Plantations Convention, 1958 (No. 110), and promote a tripartite dialogue on the subject. The Governing Body is requested to place on the agenda of an early session of the Conference the revision of the Tenants and Share-croppers Recommendation, 1968 (No. 132). The Conference also calls upon the Governing Body to consider placing on the agenda of an early session of the Conference the question of the application of modern agricultural technologies.

16. The ILO should initiate consultations between workers' organisations and between employers' organisations as to steps which might be taken to improve health and safety as well as employment of rural workers.

17. In the context of the Medium-Term Plan and the Sectoral Activities Programme, the Conference calls upon the Governing Body to convene the Advisory Committee on Rural Development at more frequent intervals. The Governing Body Committee on Employment should keep under review the ILO's work on rural employment. The Governing Body should also consider giving greater priority in the allocation of resources to activities concerning rural labour and employment.

18. The ILO should, within its sphere of competence, contribute to the promotion of dialogue between industrialised and developing countries. The Conference urges that the contribution of the ILO in this area should be based on the Conclusions of the High-Level Meeting on Employment and Structural Adjustment.

19. In carrying out its activities, particularly technical co-operation programmes, the ILO should continue and strengthen its co-operation with other organisations of the United Nations system to promote employment-oriented patterns of development in the rural sector, and should implement the conclusions concerning technical co-operation adopted by the Conference at its 73rd Session (1987). In the joint committees of the United Nations system in which the ILO participates, tripartite representatives should, whenever possible, be included in ILO delegations.

III

Resolution concerning the granting to the Republic of Chad of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organisation¹

The General Conference of the International Labour Organisation,

Having regard to the terms of the financial arrangement adopted by the Conference at its 69th (1983) Session for the settlement of the arrears of the Republic of Chad,

Having regard further to the fact that the Government of the Republic of Chad has brought itself up to date within the terms of the said financial arrangement by payment of the amount due in 1987 on 18 January 1988;

Decides that the Republic of Chad shall be permitted to vote in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organisation, it being understood that the aforesaid financial arrangement shall continue to apply.

IV

Resolution concerning the arrears of contributions of Poland²

The General Conference of the International Labour Organisation,

Having regard to paragraph 6 of article 10 of the Financial Regulations;

Accepts the arrangement proposed by the Government of Poland for the settlement of the arrears of contributions due for the period 1980 to 1987 to the effect that:

- (a) in 1988 Poland will pay in full its contribution for the year 1988;
- (b) in subsequent years Poland will continue to pay its current contribution in full in the year for which it is due;
- (c) Poland will settle the arrears that have accumulated up to and including 31 December 1987, amounting in total to US\$9,039,336, by the payment of 19 equal annual instalments of US\$451,967 beginning in 1988 and a final instalment of US\$451,963.

¹ Adopted on 8 June 1988 by 384 votes in favour, 0 against, with 1 abstention.

² Adopted on 8 June 1988.

V

Resolution concerning the granting to Poland of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organisation¹

The General Conference of the International Labour Organisation,

Having regard to the terms of the financial arrangement adopted by the Conference at its present session for the settlement of the arrears of Poland;

Decides that Poland shall be permitted to vote in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organisation.

VI

Resolution concerning the assessment of the contribution of Poland for 1988-89²

The General Conference of the International Labour Organisation,

In accordance with article 9, paragraph 2, of the Financial Regulations;

Fixes Poland's contribution to the budget of the International Labour Organisation for 1988 and 1989 at a rate of 0.64 per cent.

VII

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organisation³

The General Conference of the International Labour Organisation,

In accordance with Article III of the Statute of the Administrative Tribunal of the International Labour Organisation,

Extends the terms of office of the Rt. Hon. Sir William Douglas (Barbados) and Mr. Edilbert Razafindralambo (Madagascar) as deputy judges of the Tribunal for a further period of three years.

VIII

Resolution concerning the proposed incentive scheme for early payment of member States' assessed contributions³

The General Conference of the International Labour Organisation,

Recalling that in accordance with article 10, paragraph 1, of the Financial Regulations, member States' assessed contributions for each calendar year are due and payable on 1 January of that year,

Noting that delays in the payment of assessed contributions by some member States have prejudiced the implementation of the Organisation's programme in a timely and orderly manner and placed those member States which pay their contributions in a timely manner at a disadvantage,

¹ Adopted on 8 June 1988 by 325 votes in favour, 0 against, with 1 abstention.

² Adopted on 8 June 1988.

³ Adopted on 15 June 1988.

Recalling the concerns expressed by the Conference, the Governing Body and the Director-General with regard to the late payment of assessed contributions,

Agreeing that some form of incentive should be provided to member States that pay their assessed contributions in a timely manner;

1. Decides that an incentive scheme based on the setting aside of interest earned on temporarily surplus regular budget funds in any year shall be introduced as from 1 January 1989 for a two-year trial period;

2. Decides further that during this trial period 40 per cent of interest earned on temporarily surplus regular budget funds in each year shall be paid into the Working Capital Fund and that the remainder shall be set aside to provide a total incentive amount available for distribution to those member States which have paid in full their assessed contributions for the current year by 31 December of that year. The total incentive amount so established in each year will be distributed to eligible member States under an incentive points system based on an "S" curve formula which will take into account the dates and amounts of payments of current year's contributions by member States.

IX

Resolution concerning the Financial Report and Audited Financial Statements for 1986-87¹

The General Conference of the International Labour Organisation,

Decides to adopt the Financial Report and Audited Financial Statements for 1986-87 in accordance with article 29 of the Financial Regulations.

X

Resolution concerning reduction in the Programme and Budget for 1988-89¹

The General Conference of the International Labour Organisation,

Recalling that the 73rd Session of the Conference adopted the Programme and Budget for 1988-89 on the understanding that programme reductions to reduce the overall level of the budget would be worked out for approval by the Conference at its present session,

Decides to make programme reductions of \$1.9 million as detailed by major programme in Appendix II to this report.

XI

Resolution concerning reimbursement to the Working Capital Fund in 1989²

The General Conference of the International Labour Organisation,

Noting that the Governing Body, at its 240th (May-June 1988) Session, endorsed in principle the introduction in 1990-91 of a system of Swiss franc assess-

¹ Adopted on 15 June 1988.

² Adopted on 15 June 1988 by 360 votes in favour, 8 against, with 47 abstentions.

ments combined with forward purchasing of the biennium's dollar requirements and agreed that the final decision should be taken at the 241st Session of the Governing Body in November 1988, based on a more detailed proposal presented by the Director-General with consequential changes in the Financial Regulations and Financial Rules,

Expressing the hope that firm proposals in respect of this problem will be made by the Governing Body within the framework of the programme and budget proposals for the 1990-91 biennium;

1. Decides that, as an exceptional measure and in derogation of article 21, paragraph 2 of the Financial Regulations, the amount due to be added to Part III of the budget (Working Capital Fund) in 1989 in order to reimburse the Fund for withdrawals made to finance the excess of budgetary expenditure over budgetary income in 1986-87 be reduced by \$17 million, thereby reducing by a corresponding amount the additional assessments which would otherwise be made on member States in 1989 for that purpose;

2. Notes that, taking account of the \$17 million, the resulting additional assessment for 1989 required under article 21, paragraph 2 of the Financial Regulations will amount to \$8,059,627.

XII

Resolution concerning the Programme and Budget for 1988-89¹

The General Conference of the International Labour Organisation,

Recalling that the rate of exchange between the United States dollar and the Swiss franc (the "budget rate") for the 1988-89 Programme and Budget was fixed at 1.60 Swiss francs for 1 US dollar,

Noting the depreciation of the US dollar in relation to the Swiss franc since that rate was fixed and in particular the adverse trend over the first five months of the 1988-89 biennium,

Considering the consequential need to cover the additional costs that have arisen and are likely to continue to arise during the execution of the programme adopted for 1988-89;

1. Decides to modify the budget rate for the 1988-89 biennium from 1.60 to 1.43 Swiss francs to the dollar and accordingly to add an amount of \$26 million under Part IV (Effects of exchange rate adjustments) to the budgets of expenditure and of income for 1988-89, it being understood that any additional costs arising from the value of the dollar being lower than the revised budget rate of 1.43 Swiss francs to the dollar will be met through adjustments within the level of the revised Programme and Budget for 1988-89;

2. Approves the revised budget of expenditure and income for the 61st financial period ending 31 December 1989, in the amount of US\$357,023,033, resulting from the present resolution and the resolutions adopted at the present session of the Conference concerning programme reductions and reimbursements to the Working Capital Fund, as set out in Appendix I to this report.

¹ Adopted on 15 June 1988 by 301 votes in favour, 42 against, with 33 abstentions.

ADDITIONAL TEXTS AND DECISIONS

Excerpt from the Report of the Committee on Apartheid

The Conference had before it the report of its Committee on Apartheid¹ which contained the following conclusions:

The Committee recommends

- (a) the adoption of the Declaration on Action against Apartheid in South Africa and Namibia and the Programme of Action against Apartheid annexed to it, as amended and updated by the Tripartite Conference on Action against Apartheid held in Harare, Zimbabwe, from 3-6 May 1988. The text of the Declaration and Programme of Action are attached to this report;
- (b) that the name of the Committee should henceforth be the "Conference Committee on Action against Apartheid".

Urgent action

In view of the recent measures adopted and planned by the South African authorities that threaten the very existence of the independent Black trade union movement in that country and in view of the continuing deterioration of the situation in South Africa, the Committee further recommends the following urgent action, namely that:

1. The Conference calls upon all governments, employers' and workers' organisations and the International Labour Office to make representations to the South African authorities in order that they refrain from promulgating the proposed amendments to the Labour Relations Act and from enacting the Promotion of Orderly Internal Politics Bill and other measures that threaten the very existence of the independent Black trade union movement.

2. The Conference calls upon employers' organisations to urge their members with subsidiaries in South Africa to refrain from any form of victimisation of the workers and their unions arising from workers' protests against the legislative amendments and similar restrictive measures.

3. The Conference invites trade unions to launch special campaigns mobilising maximum support for the independent Black trade union movement in its protests against proposed legislative amendments and restrictive measures that are clearly intended to cripple it.

4. The Conference calls upon governments to pay particular attention to Part II(2) of the Programme of Action against Apartheid in respect of the refusal to roll over South African loans and the denial of new loans and credit guarantees. This paragraph in the Programme of Action reads:

To stop trade and commercial relations with and to prohibit new public and private investment in South Africa as well as the export of nuclear and other technology to the South African Government, parastatals and private enterprise in South Africa. In addition, to prohibit loans, trade credits and gold exchanges by banks to and with South Africa. Furthermore to prohibit collaboration with South Africa in the operation of the international gold market, in particular to prevent the operation of the South African marketing company, the International Gold Corporation (INTERGOLD).

5. The Conference calls upon employers' organisations likewise to pay particular attention to Part III(5) of the Programme of Action against Apartheid, which reads:

To urge banks and other financial institutions to refrain from making loans or providing credit for trade with South Africa and to urge governments to prohibit the activities of the International Gold Corporation (INTERGOLD) in their countries.

6. The Conference invites trade unions to launch special campaigns among their membership to put maximum pressure on banks and financial institutions concerned granting loans and providing credit to the South African authorities and institutions.

¹ Adopted on 16 June 1988.

7. The Conference invites governments concerned, either multilaterally or unilaterally, to enforce a strict coal embargo and to tighten up the oil embargo by requiring absolute guarantees from buyers and transporters that the oil will not be resold or shipped to South Africa.

8. The Conference calls for concerted action to stop the South African Government's attempts to attain self-sufficiency in energy by (a) the imposition by governments of an embargo on activities designed to assist such attempts; (b) employer action to discourage companies or financial institutions from their co-operation with South African schemes aimed at obtaining energy self-sufficiency.

9. The Conference requests governments, employers' and workers' organisations to give individual replies to the questionnaire on implementation or non-implementation of the measures stipulated in the updated Declaration and Programme of Action.

10. The Conference requests the Director-General to prepare a special report on the implementation and non-implementation by governments and by employers' and trade union organisations of the above-mentioned recommendations.

11. The Conference requests the Director-General to continue with his efforts to find alternative banking facilities and to urge those banks and financial institutions whose services are used by the ILO to abstain from granting loans and providing credit to the South African authorities, institutions and enterprises.

12. The Conference further requests the Director-General to prepare a study of the gold market with South Africa with a view to identifying possible sanctions measures in this field for the consideration of the next session of the Conference Committee on Action against Apartheid.

13. The Conference requests the Governing Body, through its Committee on Discrimination, to continue to monitor with increased vigour action against apartheid. To this effect the Conference requests the Governing Body to make financial resources available for the establishment of a special monitoring group of three independent experts nominated by the Governing Body's Committee on Discrimination at its first meeting to follow up and monitor the implementation of sanctions and other action against apartheid throughout the world, as specified in the Declaration and the Programme of Action, with special attention to the actions taken to circumvent such measures and to report in the first instance to the Governing Body Committee on Discrimination. This monitoring should particularly concentrate on carrying out the following tasks: the investigation and evaluation of the effects of present sanctions measures; the conducting of feasibility and case studies on sanctions; regularly surveying and updating the state of world trade with South Africa; maintaining a register of investment and disinvestment in South Africa; publishing, three times a year, the results of the research. This mandate should be carried out in close co-operation with other United Nations bodies and international organisations collecting information on sanctions and other action against apartheid, with the aim of avoiding duplication of work.

Declaration concerning Action against Apartheid in South Africa and Namibia

The General Conference of the International Labour Organisation,

Recalling the Declaration concerning the Policy of Apartheid in South Africa unanimously adopted by the Conference on 8 July 1964 and the updated Declaration adopted by the Conference on 18 June 1981,

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 refused to promote the objectives set forth in the Preamble to the Constitution and in the 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 withdrew 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 by the General Assembly of the United Nations and that the Security Council, 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 that the apartheid system in South Africa is the root cause of conflict in southern Africa as a whole and that the independence of Namibia, the freedom of the South African people and peace and security in the region can only be attained through the elimination of apartheid,

Considering the programme for the elimination of apartheid in labour matters in South Africa adopted in 1964 and all 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 and the expansion of the activities of the International Labour Office in this field,

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,

Considering also the reports of the Tripartite Conference on Action against Apartheid held in Lusaka in May 1984 and in Harare in May 1988,

Noting that the conclusions of these meetings were subsequently adopted by the International Labour Conference,

Sharing the growing concern of the international community at the deterioration of the situation in South Africa and Namibia 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) as well as the resolutions of the Security Council,

Reaffirming in addition the need to co-operate with all organisations in the campaign to eliminate apartheid, in particular the United Nations, the Organis-

ation 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 continues to deprive the Black population of 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 peoples of South Africa and Namibia,

Reaffirming its determination to continue to fulfil its responsibility to promote and take its part in securing the freedom and dignity of the peoples of South Africa and Namibia 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, in particular the imposition of comprehensive and mandatory sanctions by the United Nations Security Council as the most effective and appropriate measure under the present circumstances, 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 and their extension to Namibia, which policies are a violation of fundamental human rights and thus incompatible with the aims and purpose 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 Namibia and until, to this end, the following objectives have been attained:

- the total and final elimination of the policy of apartheid in South Africa and Namibia;
- 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 and Namibia;
- 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;

- the cessation of all aggression, social and economic destabilisation of the front-line countries.

4. Urges the Committee on Action against Apartheid of the International Labour Conference to continue to monitor with increased vigour action against apartheid.

5. (a) Confirms the Director-General's mandate to monitor and follow the situation in South Africa and Namibia in respect of labour and social matters, and to submit every year for consideration by the Conference Committee on Action against Apartheid a Special Report on the subject; to this effect, to request governments, employers' and workers' organisations to provide individually information, in such form as the Governing Body may determine, on the action taken against apartheid in accordance with recommendations contained in the Programme of Action against Apartheid, 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 continue to consider the information described in subparagraph (a) above, and to submit a report to the Conference Committee on Action against 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 as well as the Black entrepreneurs and their organisations in South Africa and Namibia in their fight against apartheid, in close co-operation with the Organisation of African Unity, the Special Committee against Apartheid, the Commission on Human Rights of the United Nations, and the United Nations Council for Namibia, 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 and Namibia 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 and management 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 front-line and neighbouring 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, including the regional organisations, the Southern African Development Co-ordination Conference and the Southern African Labour Commission, in devising and implementing policies which will enable them to reduce their dependence on South Africa, and in particular the supply of migrant labour in South Africa;
 - (viii) providing the front-line and neighbouring States with assistance for infra-structural development to enhance their capacity for withstanding the effects of any retaliatory economic action by the apartheid regime and to develop human skills for the effective management of their national economies;
 - (ix) 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;
 - (x) 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;
- (c) to encourage and extend financial support to workers' and employers' organisations in their programme 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 guide-line should be the Programme of Action against Apartheid which is annexed to this updated Declaration.

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 peoples of South Africa and Namibia and in particular with the United Nations Special Committee against Apartheid and the Council for Namibia 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, its Council for Namibia and its Commission on Human Rights, as well as with the other specialised agencies of the United Nations system and non-governmental organisations associated with

them 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.

ANNEX

Programme of Action against Apartheid

The General Conference of the International Labour Organisation,

Considering it appropriate to give effect to the updated Declaration concerning Action against Apartheid in South Africa adopted by the International Labour Conference in 1988, following the updated Declaration adopted by the Conference in 1981 and the initial Declaration adopted unanimously by the Conference in 1964,

Urging determined action by the international community to bring the Government of South Africa to abandon its disastrous policy of apartheid,

Taking into account the report of the Tripartite Meeting of Members of the Governing Body on apartheid in May 1980, the Report of the International Tripartite Meeting on Action against Apartheid held at Livingstone in 1981 and the conclusions of the Tripartite Conferences on Action against Apartheid held in Lusaka in 1984 and in Harare in 1988,

Further taking into account the resolutions adopted by the two International Trade Union Conferences against Apartheid in 1973 and 1977, and the Declaration adopted by the International Conference of Trade Unions on Sanctions and Other Actions against the Apartheid Regime in South Africa held in 1983,

Recalling also the ILO Programme for the Elimination of Apartheid in Labour Matters in the Republic of South Africa, which had been adopted in 1964, as well as subsequent measures undertaken by the ILO, in its determination to eradicate apartheid in the field of labour, including the Special Reports of the Director-General on the Application of the Declaration concerning the Policy of Apartheid in South Africa and Namibia, a wider range of educational and promotional activities carried out by the International Labour Office in this field and the extension of technical assistance within its field of competence to the people of South Africa and Namibia and the national liberation movements and front-line and neighbouring States,

Reflecting on and sharing the growing concern of the international community at the deterioration of the situation in South Africa and Namibia under apartheid and calling for action thereon, as shown in the Programmes of Action adopted by the United Nations General Assembly and the Security Council,

Reaffirming 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,

Noting that it has become necessary to revise the Programme of Action of the ILO and its Members in the light of the failure by the Government of South Africa since 1981 to abandon its policy of apartheid, its intensified aggression in southern Africa including Namibia, its intransigence in the face of international pressure and the further polarisation of Blacks and Whites in South Africa resulting from the introduction of a new Constitution in 1984 which was further aggravated by the 1987 Whites-only election;

Recommends the following action :

I. Government action through the United Nations

To take the measures necessary to give effect to the Programme of Action against Apartheid adopted by the United Nations General Assembly as well as the resolutions subsequently adopted by that body and other relevant United Nations bodies, in particular:

- (a) To adopt comprehensive and mandatory sanctions against South Africa, in accordance with Chapter VII of the United Nations Charter.
- (b) To establish a special monitoring unit, in co-operation with the International Maritime Organisation, Lloyds Register, the Shipping Research Bureau and other relevant organisations, to ensure that sanctions are strictly applied and to expose sanctions busters.
- (c) To co-operate by all possible means in the implementation of United Nations resolution 435 for the independence of Namibia.

II. Government action

1. To sever political, military, cultural, sporting and diplomatic relations with the South African Government, in so far as such relations with South Africa are maintained.

2. To stop trade and commercial relations with and to prohibit new public and private investment in South Africa, as well as the export of nuclear and other technology to the South African Government, parastatals and private enterprise in South Africa. In addition, to prohibit loans, trade credits and gold exchanges by banks to and with South Africa. Furthermore, to prohibit collaboration with South Africa in the operation of the international gold market, in particular to prevent the operation of the South African marketing company, the International Gold Corporation (INTERGOLD).

3. To adopt, through the appropriate government authorities, including regional and local authorities, stringent divestment/disinvestment measures, to prevent any new investments, and to withdraw all public funds from banks maintaining commercial relations with South Africa as well as to deny contracts for the provision of goods and services to all firms and enterprises having commercial relations with South Africa.

4. To deny the use of facilities intended to circumvent sanctions applied against South Africa.

5. To discourage emigration of their nationals and the promotion of tourism to South Africa, by such means as banning advertising and cutting air and sea links with South Africa.

6. To withhold recognition of Bantustans, deny the establishment of representative offices and the entry of representatives of Bantustans into their territories, to prohibit new investments in and to demand the withdrawal of existing investment from these areas.

7. To increase economic support, including development assistance and the development of alternative trade patterns, to those African countries which are forced through their geographical and economic situation to maintain links with South Africa, with particular emphasis on independent African States enclaved within South Africa and those in the immediate neighbourhood of South Africa.

8. To give material and moral support to the liberation movements, to the independent Black trade union movement and to popular movements struggling for the elimination of apartheid and the establishment of a non-racial democratic system and majority rule with respect for human rights and fundamental freedoms in South Africa and Namibia.

9. To lift all impediments preventing trade unions from participating in solidarity action with the workers engaged in the anti-apartheid struggle and in particular to ensure that the legal system does not prevent trade union action designed to oppose apartheid.

10. To encourage in line with the basic principles of the Constitution of the ILO initiatives which could lead to the elimination of apartheid and the achievement of durable peace in southern Africa.

11. To tighten the licensing procedures for the export and re-export of arms and related material as defined in Security Council Resolution 418 so as to ensure that none of it reaches South Africa and Namibia in violation of the United Nations Security Council decisions and resolutions.

III. Action by employers' organisations

1. To ensure that their members do not maintain trade, commercial or financial relations with South Africa and that economic and financial institutions do not extend loans to South Africa or collaborate with the apartheid regime in any way.

2. To disinvest from South Africa and to transfer these investments to other African countries, especially the front-line and SADCC States. In so doing, employers should ensure that early consultations are held with the appropriate union representing the Black workers in the enterprise on the conditions and terms of disinvestment. Such action should not circumvent the call for disinvestment by transferring the operation of their companies to local South African management whilst still maintaining the same commercial links.

3. To disinvest from and to cease all co-operation with the so-called Bantustans.

4. To refuse to co-operate with the South African authorities in the implementation of apartheid legislation or refrain from the exploitation of all advantages provided by the apartheid system particularly in labour relations and the so-called homelands and to make a firm commitment to the abolition of apartheid.

5. To urge banks and other financial institutions to refrain from making loans or providing credit for trade with South Africa and to urge governments to prohibit the activities of the International Gold Corporation (INTERGOLD) in their countries.

6. To provide technical and financial support for small business development and management training programmes for victims of apartheid in exile in the front-line and neighbouring States, and to organise subregional seminars for employers in such States for this purpose as well as sensitise employers about the plight of the victims of apartheid.

7. To ensure that members refrain from any form of victimisation of workers and their trade unions involved in the defence of workers' basic rights in South Africa and Namibia and in solidarity action, outside the Republic, with the Black workers of South Africa.

IV. Action by trade unions the world over

1. To exert maximum pressure on their respective governments for the adoption and the implementation of comprehensive and mandatory sanctions against South Africa by the United Nations Security Council, in accordance with Chapter VII of the United Nations Charter.

2. To place maximum pressure, including industrial action, on parent companies and their subsidiaries the world over in cases where their South African subsidiaries do not recognise the independent Black trade union movement and act in contradiction with internationally recognised labour standards.

3. To exert maximum pressure on the subsidiaries, outside South Africa, of South African multinational enterprises that are involved in the violation of internationally recognised labour standards.

4. To increase mobilisation of workers and the public through information campaigns with a view to exerting the strongest possible pressure on their respective governments to adopt comprehensive sanctions against and to sever their links with South Africa, and on companies with interest in South Africa to oblige them to withdraw from that country.

5. To develop extensive educational activities to ensure that workers are informed of sanction measures in their own countries so that they can participate at all levels in the monitoring of such actions and be prepared for industrial action in cases of sanctions busting.

6. To organise consumer and other boycotts in order to promote sanctions against South Africa.

7. To give financial, material and moral support to the Black independent trade union movement inside South Africa and Namibia, including assistance in organising campaigns and educational programmes and legal and relief assistance to imprisoned and restricted trade unionists and their families, as well as organising solidarity action in support of the Black workers and their unions.

8. To organise campaigns to ensure that trade union members do not emigrate to South Africa or Namibia or visit these countries in the course of appropriate sanctions, and to ban advertisements for jobs in South African recruitment offices abroad.

9. To withdraw all trade union funds from any company or investment scheme with interests in South Africa or Namibia, and to ensure that no pension funds are invested in such companies, banks or schemes.

10. To exercise the strongest possible pressure on banks and financial institutions to recall their existing loans to South Africa and to prevent the provision of new loans and trade credits to South Africa and Namibia, as well as gold exchanges to and with South Africa. In addition, trade unions should organise campaigns appealing to their members to close accounts with such banks.

11. To take all measures aimed at further isolating the South African regime and to support anti-apartheid activities.

12. To ensure trade union representation in delegations to the United Nations and the specialised agencies to press for the fullest implementation of the Programme of Action against Apartheid.

13. To co-ordinate trade union action against apartheid in accordance with the Declaration adopted by the International Conference of Trade Unions on Sanctions and Other Actions against the Apartheid Regime, held in Geneva in 1983.

V. *ILO action*

1. To give further impetus to the implementation of the Declaration concerning Action against Apartheid and the Programme of Action, with specific reference to operative paragraph 6 of the Declaration and to the following paragraphs of this section.

2. To increase entrepreneurial and management training and to encourage small business development programmes for the victims of apartheid in exile in neighbouring States and displaced persons as a means of creating self-employment for those deprived people and prepare them for business management responsibilities in a non-racial democratic South Africa and in an independent democratic Namibia.

3. To increase activities in the fields of workers' education, vocational training, assistance to migrant workers, improvements in infrastructures and in other fields of benefit to workers of southern Africa, including broader workers' education programmes for the trade unions of South Africa and Namibia. Such programmes should be conducted in conjunction with trade union organisations of the front-line States, particularly through the co-ordination and co-operation of the Southern African Trade Union Co-ordination Council (SATUCC).

4. To ensure a wider dissemination of public information throughout all member States by all possible means, including ILO publications, about atrocities being perpetrated by the apartheid South African regime within South Africa and Namibia, as well as in front-line and neighbouring States, as a means of countering the news blackout imposed by the South African Government under its oppressive emergency measures and overcoming the silence of the mass media.

5. To address renewed appeals to the UNDP, international financial institutions and all multi-bilateral and bilateral donors to provide additional resources for the above-mentioned activities.

6. To request ILO constituents to provide a precise, itemised report on the Declaration, on each paragraph of the Programme of Action annexed to it and on the conclusions adopted at each session of the Conference.

VI. *Other action*

1. The Conference calls upon governments, employers' and workers' organisations and the ILO to continue and reinforce the campaign for the release of all trade unionists and political prisoners in South Africa and Namibia. In this connection the Conference deplores and denounces all measures which deny and violate civil and trade union rights in South Africa.

2. The Conference calls upon governments, employers' and workers' organisations, non-governmental bodies and individuals to make every possible contribution to the AFRICA (Action for Resisting Invasion, Colonialism and Apartheid) Fund, as well as to make contributions in order to ensure the early realisation of its objectives.

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Office Publications and Documents

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1988

Series A, No. 3

INFORMATION

239th Session of the Governing Body of the International Labour Office

(Geneva, 29 February–4 March 1988)

The 239th Session of the Governing Body of the International Labour Office was held from Monday 29 February to Friday 4 March 1988, under the chairmanship of Mr. M. V. Russomano (Government representative, Brazil).

The agenda was as follows:

1. Approval of the minutes of the 238th Session.¹
2. Action on the resolutions adopted by the Conference at its 74th (Maritime) Session (Geneva, 24 September–9 October 1987).
3. Report of the Joint Maritime Commission on its 25th Session (Geneva, 6 October 1987).
4. Report of the Fourteenth International Conference of Labour Statisticians (Geneva, 28 October–6 November 1987).
5. Report of the High-Level Meeting on Employment and Structural Adjustment (Geneva, 23–25 November 1987).
6. Complaints concerning the observance by Nicaragua of 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), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), made by delegates to the 73rd Session (1987) of the International Labour Conference under article 26 of the Constitution of the ILO.²
7. Reports of the Committee on Freedom of Association.
8. Reports of the Programme, Financial and Administrative Committee.
9. Report of the Allocations Committee.

¹ The Governing Body approved the minutes.

² Item considered in conjunction with the 255th Report of the Committee on Freedom of Association.

10. Report of the Committee on Standing Orders and the Application of Conventions and Recommendations.
11. Report of the International Organisations Committee.
12. Report of the Committee on Operational Programmes.¹
13. Report of the Committee on Discrimination.
14. Report of the Committee on Multinational Enterprises.
15. Report of the Working Party on Constitutional Amendments concerning Conference Delegations.
16. Composition and agenda of standing bodies and meetings.
17. Symposia, seminars and similar meetings.²
18. Report of the Director-General.
Supplementary reports:
 - Activities of the International Occupational Safety and Health Information Centre (CIS) in 1986–1987;¹
 - Representation at the 75th Session (1988) of the International Labour Conference: non-metropolitan territories; non-member States; non-governmental international organisations;
 - Appointment of Mr. Elimane M. Kane as Deputy Director-General, Mr. Vladilen M. Morozov as Assistant Director-General, Mr. Anees Ahmad as Treasurer and Financial Comptroller and Mr. Padmanabh Gopinath as Director of the International Institute for Labour Studies;¹
 - Representation submitted by the Trade Union Confederation of Workers' Commissions under article 24 of the Constitution of the ILO, alleging non-observance by Spain of the Minimum Wage Fixing Convention, 1970 (No. 131);
 - Incomplete delegations at tripartite meetings;¹
 - Procedure for the appointment of Conference Committees.³
19. Programme of meetings.
20. 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.⁴

ACTION ON THE RESOLUTIONS ADOPTED BY THE CONFERENCE AT ITS 74TH (MARITIME) SESSION⁵

(Geneva, 24 September–9 October 1987)

Resolution concerning the expediting of legal proceedings in cases of abandonment of seafarers and in the sale of arrested vessels

The Governing Body invited the Director-General to draw the particular attention of governments to the recommendation addressed to them, as set out in

¹ The Governing Body took note of the report.

² The Governing Body took note of the Office paper.

³ The Governing Body postponed its decision on this item to its 240th Session (May 1988).

⁴ For a more detailed account see the set of papers and reports examined by the Governing Body, together with the approved minutes of the sittings, which contain a record of how decisions were taken.

⁵ For the texts of the resolutions see *Official Bulletin*, 1987, Series A, No. 3.

the resolution; and noted that he had communicated the contents of the resolution to the Third Session of the Joint UNCTAD/IMO Intergovernmental Group (November–December 1987), which was bearing it in mind in the preparation of a proposed new Convention.

Resolution concerning social and welfare services for seafarers' families

The Governing Body invited the Director-General to take account of the requests contained in the resolution when formulating proposals for the agenda of a future session of the Joint Maritime Commission.

Resolution concerning the health of seafarers with particular reference to AIDS

The Governing Body invited the Director-General, when communicating the resolution to the governments of member States and, through them, to employers' and workers' organisations, to draw their special attention to operative paragraphs 1 and 2 of the resolution; and to enter into consultation with the Director-General of the World Health Organisation with a view to giving effect to the requests contained in operative paragraphs 3(a) and 3(b) of the resolution.

Resolution concerning the co-ordination of welfare activities for seafarers

The Governing Body invited the Director-General to bear in mind the requests contained in operative paragraphs (a), (b) and (c) of the resolution when drawing up future programme proposals.

Resolution concerning the recruitment of seafarers and the regulation of fee-charging employment agencies

The Governing Body invited the Director-General to bear in mind the requests contained in operative paragraphs (a) and (b) of the resolution when preparing future programme proposals, including proposals for the agenda of a future session of the Joint Maritime Commission; and to draw the particular attention of governments to operative paragraph (c) of the resolution.

Resolution concerning conditions of employment for seafarers

The Governing Body invited the Director-General to bear in mind, when drawing up future programme proposals, the request contained in operative paragraph (a) of the resolution; and to enter into consultations with the Secretary-General of the International Maritime Organisation with a view to giving effect to the request contained in operative paragraph (b) of the resolution.

Resolution concerning attacks on merchant shipping

The Governing Body invited the Director-General to draw the special attention of governments to the appeal made by the Conference in this resolution.

Resolution concerning the application of international labour Conventions and Recommendations and the more widespread ratification of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

The Governing Body recalled that effect was to be given to the request concerning Convention No. 147 and Recommendation No. 155 contained in operative paragraph (b) of the resolution by virtue of the decision, taken by the Governing Body at

its 238th Session (November 1987), that during 1989 governments should be requested to submit reports under article 19 of the Constitution on those two instruments; and invited the Director-General (i) to draw the particular attention of governments to operative paragraphs (a) and (c) of the resolution, and (ii) to bear in mind the requests concerning the next session of the Joint Maritime Commission and promotion of the ratification of Convention No. 147, contained respectively in operative paragraphs (b) and (d) of the resolution, when formulating future programme proposals.

REPORT OF THE JOINT MARITIME COMMISSION ON ITS 25TH SESSION

(Geneva, 6 October 1987)

The Governing Body, in taking note of the report, took the following decisions on the resolutions adopted by the Joint Maritime Commission.¹

Resolution concerning the minimum basic wage of able seamen

The Governing Body authorised the Director-General to communicate the text of the resolution to the governments of member States, drawing their special attention to the paragraph of the resolution concerning the wage figures which should be applied in substitution for those contained in the Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109), and authorised him to communicate the text of the resolution to the international employers' and workers' organisations having consultative status; requested governments to transmit the text of the resolution to the employers' and workers' organisations concerned; and invited the Director-General to bear in mind the other requests made in the resolution when drawing up future programme proposals and when formulating proposals for the agenda of a future session of the Joint Maritime Commission.

Resolution concerning the identification of any possible new Conventions to be added by a Protocol to the Appendix of Convention No. 147

The Governing Body invited the Director-General to bear in mind the request and recommendations contained in this resolution when drawing up proposals for the agenda of a future session of the International Labour Conference.

REPORT OF THE FOURTEENTH INTERNATIONAL CONFERENCE OF LABOUR STATISTICIANS

(Geneva, 28 October–6 November 1987)

The Governing Body, in taking note of the report of the Conference, authorised the Director-General to distribute it to the governments of member States and, through them, to the national employers' and workers' organisations concerned, drawing particular attention to the eight resolutions contained in the Appendix of the report; and to the United Nations and the other intergovernmental and non-governmental organisations represented at the Conference.¹

¹ For the texts of the resolutions see below pp. 160–161.

REPORT OF THE HIGH-LEVEL MEETING ON EMPLOYMENT AND STRUCTURAL ADJUSTMENT

(Geneva, 23–25 November 1987)

The Governing Body took note of the information contained in the covering paper on the action already taken or contemplated by the Director-General to follow up on the High-Level Meeting and to secure the co-operation of other organisations in follow-up activities; and requested the Director-General (i) to circulate the report and the conclusions of the High-Level Meeting to the governments of member States and, through them, to national employers' and workers' organisations, as well as to the international organisations represented at the meeting and to the non-governmental organisations with consultative status, (ii) to take into account the conclusions of the meeting in implementing the Programme and Budget for 1988–89, in preparing the Programme and Budget proposals for 1990–91, in future revisions of the Medium-Term Plan for 1990–1995 and in developing the future technical co-operation activities of the ILO, and (iii) to submit to the Governing Body Committee on Employment at its next meeting in November 1988 a further and more detailed paper on the action to be taken on the conclusions of the High-Level Meeting.¹

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

(254th and 255th reports)

The Governing Body examined and adopted the 254th and 255th reports of its Committee on Freedom of Association.²

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

Programme and Budget for 1986–87

*Regular budget account and Working Capital Fund as at 31 December 1987
(including transfers between budget items)*

As a one-time exceptional measure, the Governing Body decided to waive the provisions of Financial Rule 3.20(a) so as to permit arrears of contributions for 1987 and earlier years received from 1 to 31 January 1988, amounting to US\$9,701,921, to be brought to account in 1987.³

Programme and Budget for 1988–89

Adjustments to the 1988–89 programme and budget

The Governing Body decided to propose the following financial and budgetary measures to the International Labour Conference for adoption at the 75th Session (June 1988): (a) to endorse the programme reductions of US\$1.9 million and consequent revision of the expenditure budget for 1988–89 to US\$322,960,000 as detailed by major programme in the Appendix to document GB.239/8/33; and (b) to decide

¹ For the text of the conclusions see below, pp. 172–175.

² The texts of the reports are reproduced in the *Official Bulletin*, Series B.

³ The Employers' group dissociated itself from this decision.

that, as an exceptional measure and in derogation of article 21.2 of the Financial Regulations, the amount due to be added to Part III of the budget (Working Capital Fund) in 1989 in order to reimburse the Fund for withdrawals made to finance the excess of budgetary expenditure over budgetary income in 1986–87 be reduced by US\$5 million, thereby reducing by a corresponding amount the additional assessments which would otherwise be made on member States in 1989 for that purpose.¹

Collection of regular budget contributions

The Governing Body decided to propose to the International Labour Conference, for adoption at its 75th Session (June 1988), a draft resolution concerning the introduction of an incentive scheme to encourage the early payment of member States' assessed contributions.²

Repairs to the ILO headquarters building

The Governing Body authorised the re-waterproofing of the roofs as and when necessary, to be financed by means of successive withdrawals from the Building and Accommodation Fund.

Appointment of External Auditor and Deputy 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 a period of four years from 1 April 1988; and that the decision concerning the appointing of the Deputy External Auditor taken at the 236th Session (May 1987) should be modified to provide that the holder of the office of Deputy Comptroller and Auditor-General of the United Kingdom was to be appointed as Deputy External Auditor for a period of four years from 1 April 1988.

Personnel questions

Decisions of the United Nations General Assembly on the recommendations of the International Civil Service Commission

The Governing Body authorised the Director-General to amend the Staff Regulations as set out in the Appendix to document GB.239/PFA/10/9 so as to give effect in the ILO to the decisions of the United Nations General Assembly concerning staff assessment rates, gross and net salary scales and separation payments for the Professional and higher categories and entitlements under the education grant from the date of implementation decided by the General Assembly; and decided that the cost of implementing these decisions in 1988–89, estimated at US\$270,000, should be financed in the first instance from savings in Part I, on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the 1988–89 biennium.

Salaries and allowances for General Service category staff in Geneva

The Governing Body authorised the Director-General to implement with effect from 1 April 1988 the revised salary scale and any revised rates of allowances to be

¹ For the text of the resolution as adopted by the Conference at its 75th Session see *Official Bulletin*, 1988, Series A, No. 2.

² The resolution was adopted by the Conference at its 75th Session. See *Official Bulletin*, 1988, Series A, No. 2.

established according to the methodology of the International Civil Service Commission.

ILO-ITU Staff Health Insurance Fund Actuarial Review: proposals to increase contributions

The Governing Body noted the Director-General's intention to submit long-term proposals on the future operation and funding of the Staff Health Insurance Fund to the Committee at the November 1988 Session of the Governing Body; approved, as an immediate measure, an increase in the ILO's share of the contribution rates to the Staff Health Insurance Fund from 2.0 per cent to 2.3 per cent with effect from 1 March 1988; and decided that the additional cost thereof, estimated at US\$650,000 for the 1988-89 biennium, should be financed in the first instance from savings in Part I of the budget on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.

Pensions questions

Decisions of the United Nations General Assembly

The Governing Body noted the adoption by the General Assembly of interim measures to stabilise pensions in local currencies of participants in the Professional and higher categories; authorised the Director-General to amend the rate of pension contributions for the Organisation to 14.8 per cent (7.4 per cent for the staff) with effect from 1 July 1988 and to 15 per cent (7.5 per cent for the staff) with effect from 1 July 1989; decided that the cost to the ILO of applying these amended rates, estimated at US\$60,000 in 1988-89, should be financed from savings in Part I of the budget; and requested the Director-General to contribute, through his representatives on the United Nations Joint Staff Pension Board, to the requested studies with a view to guaranteeing the long-term financial viability of the United Nations Joint Staff Pension Fund whilst ensuring adequate old-age protection to ILO officials.

Matters relating to the Administrative Tribunal of the ILO

Composition of the Tribunal: Extension of terms of office

The Governing Body decided to submit to the International Labour Conference at its forthcoming session a draft resolution concerning the extension of the terms of office of two deputy judges.¹

REPORT OF THE ALLOCATIONS COMMITTEE

Assessment of the contribution of Poland for 1988-89

The Governing Body decided to propose that the International Labour Conference should assess Poland's contribution to the budget of the ILO for 1988 and 1989 at the rate of 0.64 per cent.²

¹ The resolution was adopted by the Conference at its 75th Session. See *Official Bulletin*, 1988, Series A, No. 2.

² The resolution containing this proposal was adopted by the Conference at its 75th Session, see *ibid*.

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

Standing Orders

Participation in Conference Committees by Members having lost the right to vote

The Governing Body decided that the practice, introduced in the Government group at the 73rd Session (June 1987) of the Conference, of requesting Government delegates and advisers not to apply for regular membership of any committee if they were not, at the time in question, entitled to vote, should be continued, and that, in so far as might nevertheless be necessary, the weighting coefficients in committees should be calculated on the basis of the number of Government regular members entitled to vote. The Governing Body decided that it was appropriate to bring this proposed change to the attention of the Conference through the Selection Committee.

REPORT OF THE INTERNATIONAL ORGANISATIONS COMMITTEE

*Draft International Convention on the Protection of the Rights of
All Migrant Workers and Their Families*

The Governing Body, in taking note of the partial results of the preparation of the international convention, stressed that it was to the advantage of governments, the United Nations and the ILO to adopt a coherent, mutually supporting approach to the international protection of migrant workers and their families and, to that end, expressed its conviction that appropriate arrangements should be made for effective participation by the Governing Body in the procedures concerning the application of the international convention; and requested the Director-General to communicate document GB.239/10/3/2, including Appendix II thereof, together with the relevant parts of the report of its International Organisations Committee, to the Secretary-General of the United Nations and, through him, to the Open-Ended Working Group of the General Assembly preparing the international convention.

REPORT OF THE COMMITTEE ON DISCRIMINATION

The Governing Body, in taking note of the report, expressed the general wish that the Director-General should take due account of the views expressed during its discussion of the second part of the report, in particular as regards the arrangements for, and composition of, the forthcoming mission to the occupied Arab territories.

REPORT OF THE COMMITTEE ON MULTINATIONAL ENTERPRISES

*Request for interpretation of the Tripartite Declaration of Principles concerning
Multinational Enterprises and Social Policy*

The Governing Body, in taking note of the report, endorsed the interpretation of the Declaration as set out in paragraph 16 of the Appendix to the report, in accordance with paragraph 8 of the interpretation procedure.¹

¹ The interpretation reads as follows:

Paragraphs 1 to 7 of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy constitute the aim which governs the more specific recommendations addressed to governments, employers' and

REPORT OF THE WORKING PARTY ON CONSTITUTIONAL AMENDMENTS CONCERNING CONFERENCE DELEGATIONS

Right to vote of incomplete delegations

The Governing Body decided that the work of the Working Party should be suspended until the 241st Session (November 1988) of the Governing Body; that, in the meantime, the Director-General should use his good offices to undertake consultations, on the basis of the views expressed in the Working Party and of other relevant information, firstly with members of the Working Party but also, in so far as he considered it useful, on a broader basis, with a view to arriving at a conclusion; and that the Office should submit a report to the Working Party at the Governing Body's November 1988 Session in which it would report on the results of the Director-General's consultations, evaluate all the available information and, if appropriate in the light of the consultations, put forward specific proposals for the consideration of the Working Party.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS¹

Standing bodies

75th Session of the International Labour Conference (Geneva, 1–22 June 1988)

The Governing Body approved the proposal to invite the following *intergovernmental international organisations*: Central Commission for the Navigation of the Rhine; Inter-American Development Bank; Inter-American Indian Institute; Latin American Integration Association.

Meetings

Twelfth Session of the Coal Mines Committee (Geneva, 13–21 April 1988)

The Governing Body authorised the Director-General to invite six *intergovernmental international organisations* to participate in the Twelfth Session of the Committee. It also authorised him to invite one *non-governmental international organisation*.

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workers' organisations and multinational enterprises (MNEs) in the remainder of the Declaration as means by which, in co-operating in good faith in their respective spheres of action, they should contribute to the achievement of the overall objective of promoting social progress in accordance with national economic and social policy imperatives. Thus, the postulate that the activities of MNEs can contribute to economic and social well-being, but that their methods of operation may also lead to undesirable social repercussions, lies at the heart of the Declaration's preoccupations, around which its twofold aim of (a) encouraging their positive contributions and (b) minimising their negative effects, is articulated.

These two aspects of the aim of the Declaration are interdependent and neither can be pursued as a separate objective in disregard of the other. Nor can they be meaningfully pursued in the absence of due regard for the social and economic imperatives of countries in which MNEs operate. To take the view that the minimisation of negative social repercussions *per se* fulfils the overall purpose of the Declaration is therefore not correct. Action by the parties concerned alleged to be intended to avoid or to mitigate negative social repercussions, whilst a necessary factor in fulfilling its purpose, is not a sufficient one. Such action must also be in harmony with the counterpart goal of the Declaration of contributing to economic and social progress, and be compatible with national economic and social policy imperatives. A reading of the Declaration by one of the parties to whom it is commended that has the effect of restricting either the scope of the interest to be safeguarded, or the means by which it is to be so safeguarded, is not in conformity with the aim of the Declaration and the furtherance of social progress as defined therein.

¹ The names, titles and functions of the persons appointed by the Governing Body can be found in the papers submitted to the Governing Body under item 16 on its agenda.

*Tripartite Conference on Action against Apartheid
(Harare, 3-6 May 1988)*

The Governing Body approved the following nominations:

Government group: Algeria, China, Nicaragua, Nigeria, Norway, Pakistan, Sweden, Syrian Arab Republic, USSR, Venezuela.

Nominations made after consultations with the Employers' group: Mr. H. Georget; Miss. C. Hak; Mr. T. P. A. Healy; Mr. B. Hernandez; Mr. E. Hoff; Mr. R. Lagasse; Mr. T. D. Owuor; Mr. N. Said; Mr. F. Sumbwe; Mr. J. A. Williams. *Substitutes:* Mr. W. Durling; Mr. A. A. Gazarin; Mr. M. A. Lounis-Khodja.

Nominations made after consultations with the Workers' group: Mr. Ali Ibrahim; Mr. J. E. Baker; Mr. E. N. Mabumo; Mr. J. Morton; Mr. G. Muhr; Mr. J. Svenningsen; Mr. J. Timmer; Sir Frank Walcott; Mr. Wang Jiachong; Mr. N. L. Zimba. *Substitutes:* Mr. M. Allini; Mr. M. Blondel; Mr. A. Chiroma; Mr. J. J. Delpino; Mr. D. T. Mendoza; Mr. G. I. Yanaev.

*Committee on Conditions of Work in the Fishing Industry
(Geneva, 4-13 May 1988)*

The Governing Body approved the nominations of seven participants and six substitutes, made after consultations with the Workers' group, and authorised the Director-General to invite one *non-governmental international organisation*.

*Tripartite Symposium on Working Time Issues in Industrialised Countries
(Geneva, 17-25 October 1988)*

The Governing Body approved the nominations of eight participants and seven substitutes, made after consultations with the Employers' group, and authorised the Director-General to invite one *non-governmental international organisation*.

*Meeting of Experts on Safety in the Use of Mineral and Synthetic Fibres
(Geneva, 17-25 April 1989)*

The Governing Body noted that five participants would be nominated after consultations with governments, five after consultations with the Employers' group and five after consultations with the Workers' group of the Governing Body. It also noted that the Director-General intended to consult the Governments of Canada, the Federal Republic of Germany, India, Japan and the USSR to obtain the five government nominations, and the Governments of the German Democratic Republic, the Netherlands and Venezuela to obtain nominations for substitute members, if necessary.

REPORT OF THE DIRECTOR-GENERAL

Obituary

The Governing Body, apprised of the death of Mr. Joza Vilfan, former member of the Committee of Experts on the Application of Conventions and Recommendations, asked the Director-General to convey its sympathy to the Government of Yugoslavia and to the family of the deceased.

Composition of the Governing Body, Governing Body committees and various bodies

Composition of the Governing Body

The Governing Body noted that, in view of the forthcoming retirement of Mr. Wang Jiachong, the Worker's group had appointed Mr. Fang Jiade, Secretary of the

All-China Federation of Trade Unions, as a deputy Worker member of the Governing Body with effect from the 240th Session (May-June 1988) of the Governing Body. It also noted that, following the retirement of Mr. M. J. Dooge, the Employers' group had appointed Mr. David Chanaiwa, Executive Director of the Employers' Confederation of Zimbabwe, to replace him as a substitute deputy Employer member of the Governing Body with effect from 3 March 1988.

*Representation at the 75th Session (1988) of the International
Labour Conference*

Non-metropolitan territory

The Governing Body authorised the Director-General to invite Bermuda, through the Government of the United Kingdom, to send a tripartite observer delegation to the 75th Session of the Conference.

Non-member States

The Governing Body authorised the Director-General to invite the Republic of Korea and the Democratic People's Republic of Korea to be represented at the 75th Session of the Conference, in accordance with article 2, paragraph 3(e), of the Conference Standing Orders.

Non-governmental international organisations

Upon the recommendation of its Officers, the Governing Body authorised the Director-General to invite one employers' organisation, 14 workers' organisations and 36 other organisations to be represented at the 75th 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 agenda items in which they had stated a special interest; and to inform the 51 organisations concerned that they might nominate one person only for each of the agenda items in respect of which their interest had been recognised by the Selection Committee.

*Representation submitted by the Trade Union Confederation of
Workers' Commissions under article 24 of the Constitution of the ILO,
alleging non-observance by Spain of the Minimum Wage Fixing
Convention, 1970 (No. 131)*

The Governing Body, having considered the report of its Officers, decided that the representation was receivable, and appointed the following committee to examine it:

<i>Government member:</i>	Mr. Charry Samper (<i>Colombia</i>);
<i>Employer member:</i>	Mr. Oechsli;
<i>Worker member:</i>	Mr. Blondel.

PROGRAMME OF MEETINGS

Tripartite Conference on Action against Apartheid

Seventh African Regional Conference

The Governing Body, accepting the offer of the Government of Zimbabwe to host both Conferences, decided that the Tripartite Conference on Action against Apartheid should be held from 3 to 6 May 1988 in Harare and the Seventh African

Regional Conference from 29 November to 7 December 1988 also in Harare. It requested the Director-General to convey its gratitude to the Government of Zimbabwe for its generous invitation.

Programme for 1988 and 1989

The Governing Body approved the following programme of meetings:

Date	Title of meeting	Place
1988		
10-23 March	Committee of Experts on the Application of Conventions and Recommendations	Geneva
13-21 April	Coal Mines Committee (Twelfth Session)	"
3-6 May	Tripartite Conference on Action against Apartheid	Harare, Zimbabwe
4-13 May	Committee on Conditions of Work in the Fishing Industry	"
19-28 May and immediately after the conference	240th Session of the Governing Body and its Committees	"
1-22 June	75th Session of the International Labour Conference	"
5-13 October	Chemical Industries Committee (Tenth Session)	"
17-25 October	Tripartite Symposium on Working Time Issues in Industrialised Countries	"
18-27 October	Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers	"
3-18 November	241st Session of the Governing Body and its Committees	"
23 November-1 December	Joint Committee on the Public Service (Fourth Session)	Geneva
29 November-7 December	Seventh African Regional Conference	Harare, Zimbabwe
7-15 December	Metal Trades Committee (Twelfth Session)	Geneva
1989		
13 February-3 March	242nd Session of the Governing Body and its Committees	Geneva
March	Committee of Experts on the Application of Conventions and Recommendations	"
12-20 April	Committee on Work on Plantations (Ninth Session)	"
17-25 April	Meeting of Experts on Safety in the Use of Mineral and Synthetic Fibres	"
25 May-3 June and immediately after the Conference	243rd Session of the Governing Body and its Committees	"
7-28 June	76th Session of the International Labour Conference	"
Second quarter	Meeting of Experts on Conditions of Employment and Work of Firemen	"
20-28 September	Fifth Tripartite Technical Meeting for Mines other than Coal Mines	"
Third quarter	Intergovernmental Committee on the Rome Convention ILO/UNESCO/WIPO) (Twelfth Session)	"
October	Meeting of Experts on Procedures for the Inspection of Labour Conditions on Board Ships	"
2-17 November	244th Session of the Governing Body and its Committees	"
6-14 December	Hotel, Catering and Tourism Committee (First Session)	"
Second half	Advisory Committee on Technology (Second Session)	"

APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

Twelfth Session of the Coal Mines Committee

(Geneva, 13–21 April 1988)

The Governing Body appointed Mr. Virgilio Barboza, President of the State Collieries of Argentina, as the Government member of its delegation and Chairman of the Committee at its Twelfth Session.

240th Session of the Governing Body of the International Labour Office

(Geneva, 26–27 May and 23 June 1988)

The 240th Session of the Governing Body of the International Labour Office was held on Thursday 26 and Friday 27 May, and Thursday 23 June 1988, under the chairmanship of Mr. M. V. Russomano (Government representative, Brazil) and subsequently of Mr. N. G. Mensah (Government representative, Benin), elected Chairman for 1988–89.

The agenda was as follows:

1. Approval of the minutes of the 239th Session.¹
2. Agenda of the 77th Session (1990) of the Conference.
3. Annual Report of the Governing Body to the Conference.²
4. Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 10–23 March 1988).³
5. Reports of the Committee on Freedom of Association.
6. Reports of the Programme, Financial and Administrative Committee.
7. Report of the Allocations Committee.⁴
8. Report of the Committee on Standing Orders and the Application of Conventions and Recommendations.
9. Report of the International Organisations Committee.⁴
10. Report of the Industrial Activities Committee.
11. Report of the Committee on Discrimination.³
12. Composition and agenda of standing bodies and meetings.
13. Symposia, seminars and similar meetings.⁵
14. Report of the Director-General.

Supplementary reports:

- Procedure for the appointment of Conference Committees;
- First Report of the Officers of the Governing Body: Requests from non-governmental international organisations wishing to be represented at the 75th Session (1988) of the Conference;
- Expulsion of foreign workers by the Libyan Arab Jamahiriya;
- Complaint submitted by the Congress of South African Trade Unions (COSATU) against the Government of the Republic of South Africa;
- Report of the Committee set up to examine the representation made by the Federation of Egyptian Trade Unions under article 24 of the ILO Constitution alleging non-observance by the Libyan Arab Jamahiriya of the Protection of Wages Convention, 1949 (No. 95), and of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

¹ The Governing Body approved the minutes.

² The Governing Body approved the report.

³ The Governing Body took note of the report.

⁴ The Governing Body had no paper before it on this item.

⁵ The Governing Body took note of the documents.

15. Programme of meetings.
16. Appointment of Governing Body representatives on various bodies.
17. Questions arising out of the 75th Session of the International Labour Conference.¹
18. Action to be taken regarding the appointment of the Director-General.
19. Election of the Officers of the Governing Body for 1988–89.

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

AGENDA OF THE 77TH SESSION (1990) OF THE CONFERENCE

The Governing Body requested that law and practice reports or more detailed proposals be prepared on all the subjects proposed, namely:

- (1) Working conditions in hotels, restaurants and similar establishments;
- (2) Protection of workers' claims in the event of the insolvency of their employer;
- (3) Revision of the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147);
- (4) Promotion of self-employment (*general discussion*); and
- (5) Preventing and reducing drug and alcohol problems in working and social life (*general discussion*).

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

(256th, 257th and 258th Reports)

The Governing Body examined and adopted the 256th, 257th and 258th Reports of its Committee on Freedom of Association.³

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

Programme and Budget for 1986–1987

Financial report and audited financial statements

The Governing Body decided to submit the final accounts for the 60th financial period (1986–87) to the International Labour Conference for consideration and adoption.

Programme and Budget for 1988–89

Budget exchange rate and consequential adjustments

The Governing Body decided to propose to the Conference for adoption at its 75th Session (June 1988) a draft resolution recommending that the budget rate for the

¹ The Governing Body had no paper before it on this item.

² For a more detailed account see the set of papers and reports examined by the Governing Body, together with the approved minutes of the sittings, which contain a record of how decisions were taken.

³ The texts of the reports are published in Series B of the *Official Bulletin*.

1988–89 biennium should be modified from 1.60 to 1.43 Swiss francs to the dollar and that, accordingly, an amount of US\$26 million under Part IV (Effects of exchange rate adjustments) should be added to the budgets of expenditure and of income for 1988–89, it being understood that any additional costs arising from the value of the dollar being lower than the revised budget rate of 1.43 Swiss francs to the dollar would be met through adjustments within the level of the revised Programme and Budget for 1988–89.¹

The Governing Body also decided to propose to the Conference at its 75th Session that it should decide that, as an exceptional measure and in derogation from article 21.2 of the Financial Regulations, the amount due to be added to Part III of the budget (Working Capital Fund) in 1989 in order to reimburse the Fund for withdrawals made to finance the excess of budgetary expenditure over budgetary income in 1986–87 should be reduced by US\$10 million, thereby reducing by a corresponding amount the additional assessments which would otherwise be made on member States in 1989 for that purpose.²

Long-term strategy on exchange rates

The Governing Body endorsed in principle the introduction in 1990–91 of a system of Swiss franc assessments combined with forward purchasing of the biennium's dollar requirements and decided that a final decision should be taken at the Governing Body's 241st Session (November 1988) based on more detailed proposals to be submitted by the Director-General together with consequential changes in the Financial Regulations and Financial Rules.

Delegation of authority under article 18 of the Standing Orders of the Conference

The Governing Body delegated to its Officers, for the period of the 75th Session (June 1988) of the Conference, the authority to carry out its responsibilities under article 18 of the Standing Orders of the Conference in relation to proposals involving expenditure in the 61st financial period ending 31 December 1989.

Other financial and general questions

Amendment to the Financial Rules

The Governing Body amended Financial Rule 10.20 to read as follows:

Rule 10.20 Competitive Bidding and Advertising

- (a) Except as provided in Rules 10.20 (c) and 10.30, whenever a single purchase of goods or services is likely to exceed US\$20,000 or the equivalent, tenders from at least three suppliers shall be sought by invitations to bid or by newspaper advertisement.
- (b) If a single purchase of goods or services is not likely to exceed US\$20,000 or the equivalent, such tenders may be sought; alternatively, an assessment of competitive prices shall be made whenever possible.
- (c) (No change.)

¹ The resolution was adopted by the Conference at its 75th Session. See *Official Bulletin*, 1988, Series A, No. 2.

² The text of the resolution containing this proposal as adopted by the Conference at its 75th Session is reproduced in the *Official Bulletin*, 1988, Series A, No. 2.

Recognition of the jurisdiction of the Administrative Tribunal of the ILO by the International Criminal Police Organisation (ICPO—INTERPOL)

The Governing Body approved the recognition of the jurisdiction of the Administrative Tribunal of the ILO by the International Criminal Police Organisation (ICPO—Interpol).

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

*Forms for reports on the application of ratified Conventions
(article 22 of the Constitution)*

The Governing Body approved the forms for reports on the application of the Seafarers' Welfare Convention, 1987 (No. 163), the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164), the Social Security (Seafarers) Convention (Revised), 1987 (No. 165), as amended, and the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), contained in Appendices I to IV of the report.

REPORT OF THE INDUSTRIAL ACTIVITIES COMMITTEE

*Requests for the establishment of new Industrial and analogous Committees
and joint committees*

The Governing Body noted that the Committee had set up a Working Party to examine the question, to be chaired by the Chairman of the Committee, with the following composition:

<i>Government members:</i>	Australia, Federal Republic of Germany, United States, Uganda.
<i>Employer members:</i>	Miss Hak, Mr. Lindner, Mr. Said, Mr. Tsujino; <i>Substitutes:</i> Mr. Arbesser-Rastburg, Mr. Santos Neves, Mr. Williams.
<i>Worker members:</i>	Mr. Ahmed, Mr. Diop, Mr. Morton, Mr. Timmer.

Programme of industrial meetings, 1990–91

Selection of meetings

The Governing Body decided that the programme of major industrial meetings and their agendas for the 1990–91 biennium should be drawn up on the basis of the following order of priority:

1. *Third Tripartite Technical Meeting for the Printing and Allied Trades*
 1. General Report.
 2. Security of employment and income in the light of structural and technological change in the printing and allied trades, having regard to other media.
 3. Conditions of work in the printing and allied trades.
2. *Textiles Committee (Twelfth Session)*
 1. General Report.
 2. Working conditions in the textile industry in the light of technological changes.
 3. Vocational training and retraining in the textiles industry.

3. *Food and Drink Industries Committee (Second Session)*

1. General Report (including a chapter on the conditions of work of women workers in the food and drink industries).
2. Freedom of association and the right to organise, industrial relations and collective bargaining in the food and drink industries.
3. Skill requirements, vocational training and retraining in the food and drink industries.

4. *Advisory Committee on Rural Development*

5. *Forestry and Wood Industries Committee (Second Session)*

1. General Report.
2. Technological changes in the wood industries with special emphasis on training needs and employment opportunities.
3. Occupational safety and health in forestry.

6. *Inland Transport Committee (Twelfth Session)*

1. General Report.
2. The social and legal protection (including repatriation) of inland transport workers engaged in international transport during their temporary periods of work abroad.
3. The consequences of modernisation and new technologies in inland transport, in respect of the structure of employment, skills and methods of negotiation.

Publication of reports in Spanish

The Governing Body requested the Director-General to arrange for the publication in Spanish of the reports for those meetings whose membership included four or more Spanish-speaking countries, Brazil being regarded as a Spanish-speaking country for this purpose.

Selection of smaller meetings

The Governing Body decided to take into account the smaller industrial meetings in the following order of priority when establishing the programme of industrial meetings for the 1990–91 biennium:

1. Tripartite Meeting on Conditions of Employment and Work of Journalists.
2. Second Session of the Joint Committee for Postal and Telecommunications Services.
3. Twenty-Sixth Session of the Joint Maritime Commission (immediately preceded by the Tripartite Subcommittee on Seafarers' Welfare).
4. Meeting of Experts on Civil Aviation (agenda to be drawn up in the light of the Office study).
5. Second Session of the Joint Meeting for Health and Medical Services.

Third Tripartite Technical Meeting on the Clothing Industry

Effect to be given to the conclusions and resolutions of the meeting¹

The Governing Body authorised the Director-General—

- (a) to communicate the texts adopted by the Third Tripartite Technical Meeting for the Clothing Industry to governments, informing them that the Governing Body

¹ For the texts of the conclusions and resolutions adopted by the Meeting see pp. 181–192 below.

had taken note of these texts and requesting them to communicate the texts to the employers' and workers' organisations concerned; and to the international organisations of employers and workers concerned; 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 concerned, to the report and Conclusions (No. 18) concerning manpower development, training and retraining in the clothing industry; and to the report and Conclusions (No. 19), concerning the impact on employment and income of structural and technological change in the clothing industry.

Effect given to the conclusions and resolutions adopted by the previous Tripartite Technical Meetings for the Clothing Industry

The Governing Body requested the Director-General 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 concerned, 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 Meeting 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 and addressed to the Office.

Manpower development, training and retraining in the clothing industry

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 Meeting in paragraphs 18 to 25 of Conclusions No. 18.

The impact on employment and income of structural and technological change in the clothing industry

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 Meeting in paragraphs 15 to 17 of Conclusions No. 19.

Smuggling and trade in counterfeit goods in the clothing industry

The Governing Body requested the Director-General to bear in mind the wishes expressed by the Meeting in the operative paragraph of resolution No. 20.

Employment implications of international trade in the clothing industry

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 Meeting in the operative paragraph of resolution No. 21.

Child labour in the clothing industry

The Governing Body requested the Director-General, when communicating to governments the texts adopted by the Meeting, to draw their attention to the wishes expressed by the Meeting in paragraphs (1) and (2) of the operative part of resolution No. 22; and to bear in mind, when planning the future programme of work of the Office, the wishes expressed by the Meeting in paragraphs (3) and (4) of the operative part of resolution No. 22.

Multinational enterprises in the clothing industry

The Governing Body requested the Director-General, when communicating to governments the texts adopted by the Meeting, to draw their attention to the wishes expressed by the Meeting in paragraphs (1) to (3) of the operative part of resolution No. 23.

Export processing zones and the clothing industry

The Governing Body agreed to bear in mind the wishes expressed by the Meeting in paragraph (1) of the operative part of resolution No. 24; and requested the Director-General to bear in mind, when planning the future programme of work of the Office, the wishes expressed by the Meeting in paragraph (2) of the operative part of resolution No. 24.

The observance of international labour standards related to basic human rights in the clothing industry

The Governing Body agreed to bear in mind the wishes expressed by the Meeting in paragraph (1) of the operative part of resolution No. 25; and requested the Director-General to bear in mind the wishes expressed by the Meeting in paragraph (2) of the operative part of resolution No. 25.

Equal pay for work of equal value in the clothing industry

The Governing Body requested the Director-General, when communicating to governments the texts adopted by the Meeting, to draw their attention to the wishes expressed by the Meeting in paragraphs (1) to (3) of the operative part of resolution No. 26.

Industrial home work in the clothing industry

The Governing Body requested the Director-General, when communicating to governments the texts adopted by the Meeting, to draw their attention to the wishes expressed by the Meeting in paragraphs (1) and (2) of the operative part of resolution No. 27; and to bear in mind, when planning the future programme of work of the Office, the wishes expressed by the Meeting in paragraph (3) of the operative part of resolution No. 27.

Occupational safety and health in the clothing industry

The Governing Body requested the Director-General, when communicating to governments the texts adopted by the Meeting, to draw their attention to the wishes expressed by the Meeting in paragraph (1) of the operative part of resolution No. 28; and to bear in mind, when planning the future programme of work of the Office, the wishes expressed by the Meeting in paragraph (2) of the operative part of resolution No. 28.

Subcontracting in the clothing industry

The Governing Body requested the Director-General, when communicating to governments the texts adopted by the Meeting, to draw their attention to the wishes expressed by the Meeting in the operative part of resolution No. 29.

The future work programme of the ILO in the field of the clothing industry

The Governing Body decided to bear in mind the wishes expressed by the Meeting in the operative part of resolution No. 30.

Tripartite Meeting on Salaried Authors and Inventors

Effect to be given to the Conclusions of the meeting¹

The Governing Body authorised the Director-General to communicate the report of the Tripartite Meeting on Salaried Authors and Inventors to governments, requesting them to communicate it to the employers' and workers' organisations concerned, and to the international employers' and workers' organisations concerned; and requested the Director-General to bear in mind, when drawing up proposals for the future programme of work of the Office, the wishes expressed by the Tripartite Meeting in paragraphs 17 to 23 of the Conclusions.

Tenth Session of the Chemical Industries Committee

Invitation of non-governmental international organisations

The Governing Body authorised the Director-General to invite 12 *non-governmental international organisations* to be represented by observers at the Tenth Session of the Chemical Industries Committee.

Fourth Session of the Joint Committee on the Public Service

Invitation of non-governmental international organisations

The Governing Body authorised the Director-General to invite 13 *non-governmental international organisations* to be represented by observers at the Fourth session of the Joint Committee on the Public Service.

Twelfth Session of the Metal Trades Committee

Invitation of non-governmental international organisations

The Governing Body authorised the Director-General to invite seven *non-governmental international organisations* to be represented by observers at the Twelfth Session of the Metal Trades Committee.

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS²

Standing bodies

Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (Geneva, 18–27 October 1988)

Composition

The Governing Body authorised its Officers to approve on its behalf the appointment by the Director-General to replace Mrs. Mème as a member of the Committee until 31 December 1988; and asked the Director-General to thank Mrs. Mème on its behalf for her contribution to the work of the Committee.

¹ For the texts of the conclusions adopted by the Meeting see pp. 176–180 below.

² The names, titles and functions of the persons appointed by the Governing Body can be found in the papers submitted to the Governing Body under item 12 on its agenda.

Meetings

Tripartite Symposium on Working Time Issues in Industrialised Countries (Geneva, 17–25 October 1988)

Composition

The Governing Body approved the nominations of eight participants and two substitutes, made after consultations with the Workers' group.

Fourth Session of the Joint Committee on the Public Service (Geneva, 23 November–1 December 1988)

Composition

The Governing Body approved the nominations of 20 participants and 14 substitutes, made after consultations with the Workers' group.

REPORT OF THE DIRECTOR-GENERAL

Obituary

The Governing Body was informed of the death of Mr. Joseph J. M. van der Ven (*Netherlands*), former member of the Committee of Experts on the Application of Conventions and Recommendations, and asked the Director-General to convey its sympathy to the Government of the Netherlands and to the family of the deceased.

Composition of the Governing Body, Governing Body committees and various bodies

Composition of the Governing Body

The Governing Body noted that the Government of Canada had appointed as its representative Mrs. Lucille Caron, Executive Director of the Bureau of International Affairs, Department of Labour. It also noted that the Government of Yugoslavia had appointed as its representative Professor Dr. Zvonimir Stenek, Member of the Executive Council of the Republic of Bosnia-Herzegovina and Professor of Law at the University of Sarajevo.

Procedure for the appointment of Conference Committees

The Governing Body appointed the following three persons to serve on the Appeals Board, should it be required to meet in 1988: Mr. Georges Abi-Saab (*Egypt*), Mr. Luigi Cottafavi (*Italy*), Mr. Pierre Laroque (*France*). It authorised the Director-General, if the Board was required to meet and any of these persons was unable to serve, to convene Mr. Barboza-Carneiro or Mr. Gottret so as to ensure that the Appeals Board was duly constituted.

First Report of the Officers of the Governing Body: Requests from non-governmental international organisations wishing to be represented at the 75th Session (1988) of the Conference

The Governing Body authorised the Director-General to invite two employers', 22 workers' and ten other organisations to be represented at the 75th Session (1988) of the International Labour 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 agenda items in which they had stated a special interest; and to inform the 34 organisations concerned that they might nominate one person only for each of the agenda items in respect of which their interest was recognised by the Selection Committee.

Expulsion of foreign workers by the Libyan Arab Jamahiriya

The Governing Body noted that the complaint against the Libyan Arab Jamahiriya under article 26 of the ILO Constitution had been withdrawn and declared the procedure closed.

Complaint submitted by the Congress of South African Trade Unions (COSATU) against the Government of the Republic of South Africa

The Governing Body referred to the Economic and Social Council for examination, in accordance with resolution 277(X) of 17 February 1950, the complaint submitted by the Congress of South African Trade Unions; and noted that, under resolution 277(X) of 17 February 1950, it was for the Economic and Social Council to decide on the measures to be taken in this connection, by requesting the consent of the Government of the Republic of South Africa to the referral of the case to the Fact-Finding and Conciliation Commission on Freedom of Association, or in any other manner.

Report of the Committee set up to examine the representation made by the Federation of Egyptian Trade Unions under article 24 of the ILO Constitution alleging non-observance by the Libyan Arab Jamahiriya of the Protection of Wages Convention, 1949 (No. 95) and of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Governing Body postponed its consideration of the report to its 241st Session (November 1988).

PROGRAMME OF MEETINGS

Programme for the remainder of 1988 and 1989

The Governing Body approved the following programme of meetings:

Date	Title of meeting	Place
1988		
5-13 October	Chemical Industries Committee (Tenth Session)	Geneva
17-25 October	Tripartite Symposium on Working Time Issues in Industrialised Countries	"
18-27 October	Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers	"
3-18 November	241st Session of the Governing Body and its Committees	"
23 November-1 December	Joint Committee on the Public Service (Fourth Session)	"
29 November-7 December	Seventh African Regional Conference	Harare, Zimbabwe
7-15 December	Metal Trades Committee (Twelfth Session)	Geneva

Date	Title of meeting	Place
1989		
13 February– 3 March	242nd Session of the Governing Body and its Committees	Geneva
9–22 March	Committee of Experts on the Application of Con- ventions and Recommendations	"
12–20 April	Committee on Work on Plantations (Ninth Session)	"
17–25 April	Meeting of Experts on Safety in the Use of Mineral and Synthetic Fibres	"
25 May–3 June and immediately after the Conference	243rd Session of the Governing Body and its Committees	"
7–28 June	76th Session of the International Labour Conference	"
5–7 July	Intergovernmental Committee on the Rome Convention (ILO/UNESCO/WIPO) (Twelfth Session)	"
20–28 September	Fifth Tripartite Technical Meeting for Mines other than Coal Mines	"
3–11 October	Meeting of Experts on Conditions of Employment and Work of Firemen	"
October	Meeting of Experts on Procedures for the Inspection of Labour Conditions on Board Ships	"
2–17 November	244th Session of the Governing Body and its Committees	"
6–14 December	Hotel, Catering and Tourism Committee (First Session)	"
Second Half	Advisory Committee on Technology (Second Session)	"

APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

Seventh African Regional Conference (Harare, 29 November–7 December 1988)

In addition to its Chairman, the Governing Body appointed the following delegation:

<i>Government member:</i>	Mr. Nik Mohamed Amin (<i>Malaysia</i>);
<i>Employer member:</i>	Mr. Lindner;
<i>Worker member:</i>	Sir Frank Walcott.

Tenth Session of the Chemical Industries Committee (Geneva, 5–13 October 1988)

The Governing Body appointed the following delegation:

<i>Government member (and Chairman of the Committee):</i>	Mr. Falchi (<i>Italy</i>);
<i>Employer member:</i>	Mr. Arbesser-Rastburg;
<i>Worker member:</i>	Mr. Muhr.

Fourth Session of the Joint Committee on the Public Service
(Geneva, 23 November–1 December 1988)

The Governing Body appointed the following delegation:

<i>Government member</i> (and Chairman the Committee):	Mr. Ndiwane Mushili (<i>Cameroon</i>);
<i>Employer member</i> :	Mr. Decosterd;
<i>Worker member</i> :	Mr. Baldassini.

Twelfth Session of the Metal Trades Committee
(Geneva, 7–15 December 1988)

The Governing Body appointed the following delegation:

<i>Government member</i> (and Chairman of the Committee):	Mr. Elmiger (<i>Switzerland</i>);
<i>Employer member</i> :	Miss Hak;
<i>Worker member</i> :	Mr. Sudono.

ACTION TO BE TAKEN REGARDING THE APPOINTMENT OF THE DIRECTOR-GENERAL

Report of the Officers of the Governing Body

The Governing Body decided by 36 votes to 0, with 15 abstentions, to complete its consideration of the report at its 240th Session.

It also decided to amend Article 4.6 (a) of the Staff Regulations to read as follows:

“(a) The Director-General shall be appointed for a period of five years”. The rest of the text of article 4.6 (a) remains unchanged.

It further adopted the following rules governing the election of the Director-General:

A. Candidatures

(1) Candidatures for the post of Director-General shall be sent to the Chairman of the Governing Body of the ILO at the latest one month prior to the date set by the Governing Body for the election.

(2) In order to be considered these candidatures must be submitted by a member State of the Organisation or by a member of the Governing Body.

(3) Candidatures submitted in accordance with the above-mentioned conditions shall be made known to the members of the Governing Body by the Chairman immediately after they have been received.

B. Majority

(4) To be elected, a candidate must receive the votes of more than one-half of the members of the Governing Body entitled to vote.

C. Election procedure

(5) On the date set for the election, as many ballots shall be held as are necessary to determine which of the candidates has obtained the majority required by Rule (4) above.

(6) (i) After each ballot the candidate who has obtained the lowest number of votes shall be eliminated.

- (ii) If two or more candidates obtain simultaneously the lowest number of votes, they shall be eliminated together.

(7) If in the ballot between the remaining candidates they receive the same number of votes and a further ballot still does not produce a majority for one of them, or if one candidate remains but does not obtain the majority required by Rule (4) above in a further ballot in which his or her name is submitted to the Governing Body for a final vote, the Governing Body may postpone the election and freely set a new deadline for the submission of candidatures.

Finally, the Governing Body decided, by 41 votes to 4, with 7 abstentions, that the election should be scheduled for Monday, 13 February 1989 at 10 a.m., making the necessary changes to that effect in the standard programme of meetings of the Governing Body and its committees for the 242nd Session, and that the Governing Body would meet in private sitting in order to proceed to take a vote by secret ballot in accordance with the procedure laid down by the preceding rules.

ELECTION OF THE OFFICERS OF THE GOVERNING BODY FOR 1988-89

The Governing Body elected Mr. Nathanaël G. Mensah (Government representative, Benin) as its Chairman, Mr. J.-J. Oechslin as Employer Vice-Chairman and Mr. G. Muhr as Worker Vice-Chairman for the year 1988-89.

Official Measures Taken regarding Decisions of the International Labour Conference¹

Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986²

Ratifications

In accordance with Article 3 of the Instrument for the amendment of the Constitution of the International Labour Organisation, 1986, the following ratifications have been communicated to the Director-General of the International Labour Office:

State	Date received
India ³	22 September 1988
Niger	13 July 1988

The total number of ratifications and acceptances thus rose to 46, including one by a State of chief industrial importance.

¹ Period covered: 1 July 1988 to 30 September 1988.

² For the text of this Instrument, see *Official Bulletin*, 1986, Series A, No. 2, page 60.

³ State of chief industrial importance.

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
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I. Ratifications

Egypt	Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)	3 August 1988	3 August 1989
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	„	„
Guatemala	Employment Policy Convention, 1964 (No. 122)	14 September 1988	14 September 1989
Peru	Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	11 July 1988	11 July 1989
San Marino	Labour Statistics Convention, 1985 (No. 160)	1 July 1988	1 July 1989

Acceptance of all the articles of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.

Uruguay	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)	5 September 1988	5 September 1989
	Occupational Safety and Health Convention, 1981 (No. 155)	„	„
	Occupational Health Services Convention, 1985 (No. 161)	„	„

II. Denunciation

Netherlands	Employment Injury Benefits Convention, 1964 (Schedule I amended in 1980) (No. 121) ¹	22 July 1988	22 July 1989
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III. Declarations

Netherlands	Employment Injury Benefits Convention, 1964 (Schedule I amended in 1980) (No. 121) <i>Termination of acceptance of obligations:</i> Aruba.	22 July 1988	22 July 1989
United Kingdom	Labour Statistics Convention, 1985 (No. 160) <i>Applicable without modification:</i> Gibraltar. <i>Not applicable:</i> Guernsey <i>Not applicable:</i> British Virgin Islands	7 July 1988 " 16 September 1988	7 July 1988 — —

1. The text of the communication concerning the denunciation by the Netherlands of this Convention reads as follows:

"Denunciation of this Convention has become inevitable because of an increasing divergence existing between the instruments' provisions and the Netherlands legislation with regard to social security. This divergence is largely due to the fact that the guiding principle of the Convention for assuring social security, the 'risque professionnel', has been replaced in the Netherlands by the principle of the 'risque social'.

In a number of cases the divergence is apparent. This is notably manifest for the system by which old age pensions substitute, at the age of 65, any benefit previously received on the ground of invalidity or other incapacity for work. Occasionally, this could mean a considerable drop in income. This has repeatedly prompted the Committee of Experts on the Application of Conventions to put a direct request before the Netherlands.

Also, a number of other provisions have in the past caused the Committee of Experts to express its doubts as to whether the Convention was justly applied by the Government of the Netherlands. This, added to the fact that forthcoming legislation may possibly in the future widen the gap between the Netherlands system of social security and the provisions as laid down in Convention 121, is the reason why the Government now has decided on the necessity of denouncing the Convention.

In preparing the denunciation the representative organisations of employers and of workers have been duly consulted as required by the provisions of Convention 144 and as is in accordance with established national practice."

DOCUMENTS

Joint Maritime Commission

(25th Session, Geneva, 6 October 1987)

RESOLUTIONS ADOPTED

Resolution on the Minimum Basic Wage of Able Seamen

The 25th Session of the Joint Maritime Commission, held in Geneva on 6 October 1987, Having received the report of the ILO on the minimum basic wage of able seamen and on a positive alternative formula for revising the wage figure,

Noting that the Joint Maritime Commission, at its 24th Session in 1984, adopted a resolution which inter alia requested the Governing Body of the International Labour Office to ask the Director-General to undertake further studies in advance of the next session of the Commission to determine the feasibility of devising an alternative formula and to give consideration to the creation of a bipartite wage committee which might be convened at prescribed intervals between sessions of the Joint Maritime Commission for the purpose of updating the minimum wage rate,

Noting that the Joint Maritime Commission at its session in 1984 considered that the wage figures of US\$276 and £115 sterling as agreed by the Commission at its 23rd Session in 1980 should remain unaltered for the time being,

Considers that in view of the above factors, the figures of US\$286 and £176 sterling could be regarded as the equivalent in 1987 of the wage figures contained in the Recommendation;

Requests the Governing Body of the ILO to ask the Director-General of the International Labour Office to:

- (1) review the application of the current ILO minimum wage formula to—
 - (a) ensure that the current list of 44 countries is representative of both maritime nations with significant tonnage (e.g. at least 1 million tons) and countries which supply a significant number of seafarers to the industry;
 - (b) set a consistent month for the consumer price and exchange rate data, and use that same month as the base month for future calculations of the consumer price indices;
- (2) undertake a feasibility study on devising an alternative formula for the ILO wage which will prove mutually acceptable to both sides of the Joint Maritime Commission;
- (3) set up, on a priority basis, a small bipartite wage committee to be convened every alternate year between sessions of the Joint Maritime Commission for the purpose of updating the ILO minimum wage in accordance with the prescribed formula, it being understood that such committee shall not be convened in the year before a Joint Maritime Commission meeting;
- (4) Noting that the seafarers wished to discuss the exception in Paragraph 2 of Recommendation No. 109 concerning the employment in certain ships of extra numbers of ratings, Noting further that the shipowners did not meet this wish since this item was not included in the agenda for this meeting of the Joint Maritime Commission, Requests the Governing Body of the International Labour Organisation to include this item in the agenda for the next meeting of the Joint Maritime Commission.

**Resolution concerning the Identification of any Possible New Conventions to Be Added
by a Protocol to the Appendix of Convention No. 147**

The 25th Session of the Joint Maritime Commission, held in Geneva on 6 October 1987,
Having considered possible new Conventions to be added by a Protocol to the Appendix of
Convention No. 147;

1. Recommends that the Appendix to Convention No. 147 be revised by adding to it the
following Conventions:

- the Seafarers' Identity Documents Convention, 1958 (No. 108);
- the Continuity of Employment (Seafarers') Convention, 1976 (No. 145); and
- the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146),

2. Recommends further that the Appendix to Convention No. 147 be revised by adding to
it the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), at
such time as that Convention shall enter into force,

3. Requests the Governing Body to include, in the agenda of a maritime session of the
International Labour Conference, the question of the partial revision of the Merchant Shipping
(Minimum Standards) Convention, 1976 (No. 147),

4. Recommends that such partial revision be carried out by means of a Protocol to
Convention No. 147 listing, in a supplementary Appendix, the Conventions to be added to
those already listed;

Recommends finally that, should it be foreseen that the next maritime session of the
Conference will not be held for more than six years, the above question be included in the
agenda of an early ordinary session of the International Labour Conference.

Fourteenth International Conference of Labour Statisticians

(Geneva, 28 October–6 November 1987)

RESOLUTIONS ADOPTED

Resolution concerning consumer price indices

Preamble

The Fourteenth International Conference of Labour Statisticians,
Having been convened at Geneva by the Governing Body of the ILO and having met from 28 October to 6 November 1987,

Recalling the existing international standards concerning cost-of-living index numbers contained in the resolutions adopted by the Second and Sixth Conferences in 1925 and 1947 respectively, and those concerning special problems in the computation of consumer price index numbers contained in the resolution adopted by the Tenth International Conference of Labour Statisticians in 1962,

Recognising the need to revise and broaden the existing standards in order to enhance their usefulness in the provision of technical guidelines to all countries and particularly those with less developed statistics,

Recognising the usefulness of such standards in enhancing the international comparability of the statistics,

Recognising that consumer price indices are essential to assessments of social conditions and of economic performance and potential, and

Recognising, therefore, that such indices need to be credible to observers and users, both national and international,

Agrees that the principles and methods used in constructing a consumer price index should be selected, with consideration of the chosen objectives, from among the guidelines and standards which are generally accepted as constituting good statistical practice; and

Adopts, this fifth day of November 1987, the following resolution which replaces those adopted in 1925, 1947 and 1962.

Terminology

1. For the purposes of this resolution, the following terms are defined:

- (a) "Outlet" indicates a shop, market, service establishment, or other place, where goods and/or services are sold or provided to consumers for non-business use.
- (b) "Consumption" indicates all goods and services (or "items") that are acquired, used or paid for, but not for business purposes and not for the accumulation of wealth.
- (c) "Region" indicates any geographically defined area and/or type of area within a country.
- (d) "Scope of the index" indicates the population groups, regions, items and outlets for which the index is established.
- (e) "Reference population" indicates the population that falls within the scope of the index.
- (f) "Elementary aggregate" indicates the most detailed level for which expenditure or quantity weights are held constant for a certain period of time.
- (g) Consumption expenditure can be measured in terms of "Acquisition", "Use" or "Payment":
 - (i) "Acquisition" indicates that the total value of all goods and services delivered during a given period, irrespective of whether they were wholly paid for or not during the period, should be taken into account;

- (ii) "Use" indicates that the total value of all goods and services actually consumed during a given period should be taken into account; and
- (iii) "Payment" indicates that the total payments made for goods and services during a given period, without regard to whether they were delivered or not, should be taken into account.

The nature of a consumer price index

2. The purpose of a consumer price index is to measure changes over time in the general level of prices of goods and services that a reference population acquire, use or pay for consumption. A consumer price index is estimated as a series of summary measures of the period-to-period proportional change in the prices of a fixed set of consumer goods and services of constant quantity and characteristics, acquired, used or paid for by the reference population. Each summary measure is constructed as a weighted average of a large number of elementary aggregate indices. Each of the elementary aggregate indices is estimated using a sample of prices for a defined set of goods and services obtained in, or by residents of, a specific region from a given set of outlets or other sources of consumption goods and services.

The uses of a consumer price index

3. The uses of a consumer price index and their relative importance vary from country to country. They include:

- (a) general economic and social analysis and policy determination;
- (b) negotiation or indexation, or both, by government (notably of taxes, social security benefits, civil service remuneration and pensions, licence fees, fines and public debt interest or principal) and in private contracts (e.g. wages, salaries, insurance premiums and service charges) and in judicial decisions (e.g. alimony payments);
- (c) establishing "real" changes, or the relationship between money and the goods or services for which it can be exchanged (e.g. for the deflation of current value aggregates in the national accounts and of retail sales); and
- (d) price movement comparisons done for business purposes, including inflation accounting.

Sub-indices rather than the all-items index may be suitable for some of the above uses.

Scope of the index

4. The reference population should normally be defined very widely, specifying those income groups and household or family types that are excluded.

5. The regional scope should normally be defined as widely as possible, noting any exclusions. It should also be specified whether any regional limitation or breakdown of consumption expenditure and of price collection relates to sales in a region, or to purchases by residents of a region.

6. Separate indices may be computed for different population groups or for different regions.

7. The extent to which expenditure abroad is included should be clearly indicated.

8. Ideally, the consumer price index should relate to all goods and services (including imports) acquired, used or paid for by the reference population for non-business purposes, without any omission of tobacco or other things which may be regarded as non-essential or undesirable. The range of goods and services included may, but need not, coincide with consumption expenditure as defined in a national accounts framework. Income taxes, savings, life insurance and pension fund contributions, and financial investments (as distinct from financial services) should not be included in the consumer price index.

9. If second-hand purchases are represented in the index, then the weights for second-hand goods should be calculated net of the corresponding sales including trade-ins.

10. In some cases, such as insurance, health care, second-hand goods, etc., it may not be possible to use the same methodology as in the general index. Groups of goods or services which fall within the scope of the index but which cannot be dealt with according to the general

methodology, either because this methodology cannot be applied correctly for these items or because the necessary information is insufficient or lacking, may be included in or excluded from the calculations:

- (a) in the case of their inclusion, special methods will need to be used;
- (b) in the case of their exclusion:
 - the group may be explicitly represented by another group to which the weights of the excluded items are allocated;
 - the group may be purely and simply excluded from the index (price collection and weights) which assumes that its price movement is represented by the movement of the overall index.

In all the above cases, users should be informed as to the method followed.

11. The goods and services or household expenditures should follow a classification which is dependent upon the objectives of the index, previous practices, the methods of data collection, as well as upon the nature and quality of data available for the computation of weights. Nevertheless, it is desirable that this classification permit aggregation according to the eight major groups of the United Nations System of National Accounts (SNA): "Food, beverages and tobacco", "Clothing and footwear", "Gross rent, fuel and power", "Furniture, furnishings, and household equipment and operation", "Medical care and health expenses", "Transport and communication", "Recreation, entertainment, education and cultural services" and "Miscellaneous goods and services". If need be, a ninth group might be created, covering items which are not included in the household final consumption expenditure of the SNA.

Acquisition, Use or Payment

12. Having decided on the scope of the index in terms of the reference population and the goods and services to be included, it should be explicitly considered whether the objectives of the index are best satisfied by adopting the concepts of Acquisition, Use or Payment. These issues should be examined, taking into account the theoretical index concept, acceptability to users, availability of data, and resource requirements. These issues particularly arise in dealing with own-account consumption, owner-occupied housing, consumer credit, durable goods, remuneration in kind and goods and services which are provided without charge or are subsidised by government.

13. The concepts of Acquisition or Payment may be chosen if the index is defined in terms of money flows. Adherence to the conventions of national accounting may be desired if the deflation of consumer expenditure as defined in the national accounts is one of the major uses to which the index is put. When the design of the index is founded upon the consistent application of consumer demand theory, the concept of Use may be appropriate. This concept implies estimating the rental value of owner-occupied housing if the data permit such estimates to be made reliably. Alternatively, it would imply the explicit inclusion of all owner-occupied housing costs.

Defining elementary aggregates

14. In defining elementary aggregates (in terms of kinds of goods or services, types of outlets and regions), the following principles should be observed:

- (a) related goods or services which are thought to display similar price movements should be grouped together in an elementary aggregate;
- (b) goods or services whose prices might reasonably be expected to move markedly differently should not be grouped together in the same elementary aggregate;
- (c) elementary aggregates should be distinguished whenever weights (including regional or outlet weights) are available or can be estimated;
- (d) such regional or outlet weights should be used in calculating the index even when separate regional or outlet-type sub-indices are not required.
- (e) elementary aggregates should be described so that any good or service can be unambiguously assigned to the appropriate elementary aggregate.

15. In the calculation of elementary aggregate indices, consideration should be given to the possible use of geometric means.

Weighting

16. Weights are the relative expenditure or consumption shares of the elementary aggregates estimated from available data.

17. In deriving the weights of the elementary aggregates, a household expenditure survey is usually the main source of data. As far as resources permit, such surveys should be representative of household size, income level, regional location, socio-economic group and any other factors which may have a bearing on household expenditure patterns. The period of the survey should be a normal one (or temporary abnormalities should be adjusted in determining the weighting pattern) and should preferably cover a whole year if seasonal variations in expenditure patterns are important. When inflation during the period has been rapid and/or has differed significantly between expenditure groups, either expenditure for the different sub-periods should be valued at the prices of a common time sub-period or the expenditure proportions of the different sub-periods should be averaged over the period, in the absence of any superior method.

18. Surveys of sales in retail outlets and household surveys on point-of-purchase can provide valuable information concerning the breakdown of consumption by outlet-type and by region. In the absence of such surveys, it is sometimes preferable for statisticians to use their personal knowledge of the markets and their nature rather than to apply equal weights to the different outlets or types of outlets and/or to different regions.

19. In countries which have reliable information concerning components of the household final consumption expenditure of the national accounts, such information can sometimes be used to derive an initial aggregate weighting pattern. In centrally planned economies in particular, retail sales data may be a major source of weights. More detailed data from household expenditure surveys can be used to break down the aggregates or to adjust the figures to relate more closely to the reference population.

20. In countries where data from household expenditure surveys are not available and where the data on the components of the household final consumption expenditure of the national accounts are inadequate, data from various surveys such as of production, export and import and retail trade, and from administrative sources may have to be used to obtain an estimated consumption pattern.

21. Before any of the survey results are used to provide weights for the index, it is necessary to examine them carefully, e.g. in the light of the sampling and non-sampling errors, in order to judge whether the survey has provided reliable and representative information. Adjustments should be made, if necessary, using other available statistics.

22. Analysis of the data to show the expenditure patterns for different regions and categories of the population is useful, both to assist in revealing those categories for which the computation of separate consumer price indices may be warranted and for establishing the elementary aggregates and their weights.

23. The weights should be examined periodically, and particularly if economic circumstances have changed significantly, to ascertain whether they still reflect current expenditure or consumption patterns. The weights should be revised or adjusted if the review shows that this is not the case. In any case, they should be revised at least once every ten years.

24. Whenever the composition and/or weighting pattern of the index is changed, the new index should be linked to the old index to provide a continuous series of index numbers.

Sampling for price collection

25. Sampling of goods and services and of outlets is necessary to decide what prices should be collected and where they should be collected for each elementary aggregate (except in cases of centrally determined and uniform prices). Sample selection methods and sizes should be adequate to provide the accuracy required for the objectives of the index.

26. Efforts should be made to ensure that samples of cities, urban areas or regions, of dwelling units, of sales outlets, and of items and varieties priced are as representative as possible. Probability sampling, although involving difficult practical problems, will normally enhance the accuracy of the index and, moreover, will make possible an estimate of the sampling error.

27. Probability sampling gives every price within the scope of the index an opportunity for selection. Each price need not have an equal probability of selection. Indeed, efficient designs use probabilities that are proportional to variables that affect the precision of the estimates.

28. Implementation of probability sampling may be a gradual process. Where one begins will vary depending on the nature of the economic structure and the availability of data. Probability sampling might begin with geographic areas, or with detailed items within larger groups, or with outlets. Each stage of probability sampling makes some contribution to the quality of the indices.

29. If sufficient information or resources do not exist for constructing a probability sample which will give a good measure of price change, then the statistician should apply the best judgement and available data to select a representative sample of geographical areas, outlets, items and varieties. If, for example, resources are inadequate to establish a representative sample for the country as a whole, it might be appropriate to decide, in principle and *a priori* (that is, outside any random sampling), that certain regions, towns or urban areas where the collection of prices is less expensive represent larger groups of regions, towns or urban areas.

30. The samples of outlets and of goods and services and the specifications used for pricing should be reviewed periodically, and they should be updated if this is necessary to maintain their representativeness.

31. Particular attention should be paid to the way in which pricing is distributed in time. Price observations of the same item at the same outlet should, especially in the case of wide price variations, be made at regular intervals of, for example, about one month or three months, depending upon the frequency of the index compilation. Account should be taken of the fact that, when the index collection period is organised on the basis of weeks, there may be time discrepancies since a month or quarter is not composed of an exact number of weeks.

32. In the case of perishable goods, attention should also be paid to the time of day which is selected for price collection.

33. Rents should be obtained from a specially designed survey relating to a sample of dwellings which is periodically updated to ensure continuing representativeness and, particularly, that newly constructed units are brought into the sample.

The price data

34. The quality of the price data is the crucial determinant of the reliability of the index. Hence, great care should be taken to ensure that the prices obtained are actual transaction prices and are collected systematically at regular intervals. Standard methods for collecting and processing price data should be developed. Where centrally regulated or centrally fixed prices are collected centrally, checks should be made to ascertain whether the goods and services in question are indeed sold and whether these prices are in fact observed. Where prices are not displayed, where quantity units are poorly defined or where actual purchase prices may deviate from list or fixed prices, check purchases by the price collectors are advisable and a budget should be provided for these purchases. Where prices are subject to significant fluctuations over the month or quarter, it is desirable to collect them more than once during the month or quarter.

35. Consistent procedures should be established for dealing with missing price observations whatever the cause, including: seasonally unavailable, unable to contact, non-response, rejected observation, temporarily out of stock. Price collectors should be well trained and well supervised, and should be provided with a good manual explaining all the procedures they have to follow. The price data sent in by the price collectors should be reviewed and edited for comparability, substitutions, unusual or simply large price changes and for price conversions of goods priced in multiple units or varying quantities, where the units or quantities do not form part of the specification. There should be procedures, such as repricing in the same outlets, for checking the reliability of the price data.

36. The specifications used for pricing, including the final selection of the particular variety and size by the price collector, where relevant, serve the purpose of securing comparability between successive periods and assisting selection and evaluation of substitutes. The specifications should be precise enough to identify all the characteristics that are necessary to ensure that identical goods and services are priced in successive periods in the same outlet. It should be

noted that the relevant characteristics of the goods or services should include, for example, terms of payment, conditions of delivery, guarantees and type of outlet.

37. Substitutions will be necessary when priced items disappear permanently from the outlet(s) in which they are priced. An item which is no longer available in sufficient quantities or under normal sale conditions may also be considered to be unavailable. Clear and precise rules should be developed for identifying the substitute item. Precise procedures should be laid down for price adjustment with respect to the difference in characteristics when substitutions are necessary. Responsibility for such evaluation should be clearly established. Evaluations of the difference in characteristics and decisions on how to use substitute prices in the index should, to the extent possible, be based on solid, empirical evidence of the market valuation of the difference in characteristics between the original and the substitute items. A number of techniques and data sources may be used to approximate this market valuation. In the absence of a satisfactory estimate of the specific adjustment for the difference in characteristics, a choice must be made between an assumption of no change and an assumption that the price difference is simply and wholly a reflection of the difference in characteristics. Under the former assumption, the price for the substitute should be compared directly with that of the item for which it is substituted; this assumption can be made only when the items are fairly similar. Where the whole price difference is taken as a reflection of the difference in characteristics, the index should be constructed by linking the series for the substitute to that of the item for which it is substituted.

38. Substitutions made because of a decline in representativeness or disappearance of an item from an outlet might possibly require that another outlet be chosen. This might also be necessary when an outlet disappears. In these cases, rules should be established to ensure that the price collector makes a correct choice with respect to a new outlet, and that the adjustments are made, if need be, to take account of the change in outlet or the change in the nature of the outlet. The rules should be consistent with the objectives of the index and with the way in which the price collection sample has been determined.

39. Substitutions will also be necessary if all items in an elementary aggregate disappear from most or all outlets. In such cases, if a substitute item representing the elementary aggregate cannot be found and appropriate adjustments for the difference in characteristics made, it may be necessary to redistribute the weight assigned to the elementary aggregate among other elementary aggregates within the next highest level of aggregation possible.

40. The prices to be collected are the regular actual transaction prices, including indirect taxes, paid by the reference population. Prices charged for stale, shop-soiled, damaged, or otherwise imperfect goods sold at clearance prices should be excluded unless they are a permanent and widespread feature of market conditions. However, sale prices, discounts, cut prices and special offers should be included when applicable to all customers and when the goods and services are offered in their normal availability.

41. Prices should be collected in all types of markets which are important. These may include open-markets and black-markets as well as state-controlled markets. Where more than one type of market is important, an appropriately weighted average should be used in the calculation of the index.

42. In periods of price control or rationing, where limited supplies are available at prices which are held low by subsidies to the sellers, by government procurement, by price control, etc., these prices as well as those charged on unrestricted markets should be collected. They should be combined in a way which uses the best information available with respect to the actual prices paid and the relative importance of the different types of sales.

43. Countries may wish to calculate, from the data collected for their consumer price index, average prices for selected reasonably homogeneous goods or services. However, their dissemination should be accompanied by an indication of the limitations of these calculations. Countries may also wish to establish efforts to collect separate data to support average price calculations, given considerable user interest in these data.

Dissemination

44. A consumer price index should be computed and publicly released as quickly as possible according to the resources available and to the user needs, preferably at least once

every three months. Rules relating to the release of the data should be established, publicly known and strictly observed.

45. In general, retrospective corrections (e.g. as a result of an error in the data or in calculation) of the publicly released indices should only be done when absolutely necessary because of the difficulties such corrections cause for indexed contracts or payments. Instead, necessary corrections might be made to the index for the subsequent period. An explanation should be provided in order to avoid misinterpretation of the short-term price movement.

46. Sub-indices should also be released, at least for such major expenditure groups as food, clothing and footwear, housing, etc. Sub-indices for different regions or socio-economic groups or for special analytical purposes (e.g. travellers' expenses, imported items) might be publicly released if they were judged to be useful and the cost warranted it. Average prices or price ranges for important and reasonably homogeneous items may be released.

47. The exclusion of shelter from the all-items index makes the rates of price change more comparable across countries, although it does not eliminate all the difficulties encountered when making such comparisons. Countries should, therefore, provide for dissemination at the international level of an index which excludes shelter, in addition to the all-items index.

48. In order to ensure public confidence in the index, a full description of the methodology and data sources should be published. The document(s) should include, among other things, details of the weights, objectives of the index, and a discussion of the precision of the index. However, the precise identities of the outlets and goods and services for which prices are obtained and any other details which, if disclosed, would adversely affect the representativeness of the index should, in general, not be revealed.

49. The agency responsible for the index should consult representatives of users on major issues. One way of organising such consultation is through the establishment of advisory committee(s) on which users and outside experts might be represented.

Interim resolution concerning statistics of strikes and lock-outs

Preamble

The Fourteenth International Conference of Labour Statisticians,

Having been convened by the Governing Body of the International Labour Office and having met in Geneva from 28 October to 6 November 1987,

Recalling the existing international standards contained in the resolution concerning statistics of industrial disputes adopted by the Third International Conference of Labour Statisticians (October 1926),

Recalling the requirements of the Labour Statistics Convention, 1985 (No. 160), and of the Labour Statistics Recommendation, 1985 (No. 170),

Recognising the need to revise the existing standards on statistics of industrial disputes in order to provide guide-lines for the production of more comparable and better national and international statistics of strikes and lock-outs,

Intending to revert to this subject at the Fifteenth International Conference of Labour Statisticians;

Adopts, this fifth day of November 1987, the following interim resolution to replace the resolution adopted in this field by the Third International Conference of Labour Statisticians:

General

1. Each country should, where relevant, regularly collect, compile and publish statistics of strikes and lock-outs at least once a year.

2. Detailed descriptions of the sources, concepts, definitions, scope, coverage and methodology used in compiling statistics of strikes and lock-outs should be produced and published.

Terminology

3. For the purposes of this resolution, a strike is a temporary work stoppage wilfully effected by a group of workers with a view to enforcing or resisting a demand or expressing a grievance. Strikes occurring at different times and/or at different establishments but due to the same cause of dispute are regarded as one strike, if they have not been interrupted for more than a defined period of time.

4. For the purposes of this resolution, a lock-out is a temporary work stoppage wilfully effected by one or more employers with a view to enforcing or resisting a demand or expressing a grievance. Lock-outs occurring at different times and/or different establishments but due to the same cause of dispute are regarded as one lock-out, if they have not been interrupted for more than a defined period of time.

5. For the remainder of this resolution, the statistical measurement, classification and indicators concerning strikes should also apply, where relevant, to lock-outs.

Measurement

6. Statistics of strikes should be established in such a way as to cover the whole country and, if possible, all branches of economic activity.

7. Statistics of strikes should relate to strikes beginning in the period under review and also, but separately, to those continuing from the previous period. The total of these two groups represents the number of strikes in existence during the period under review.

8. Statistics of strikes should be compiled for a reference period of not more than one year.

9. The importance of a strike should be measured by ascertaining the number of workers involved, the duration of the strike and the aggregate work-days or work-hours not worked on account of the strike during the reference period. Where possible, the number of establishments involved should also be measured.

10. The number of establishments involved should be based on the definition of an establishment as given in the most recent version of the United Nations International Standard Industrial Classification of All Economic Activities (ISIC).

Classification

11. Data on strikes should be cross-classified according to the major branches of economic activity (as far as possible according to ISIC), the number of workers involved and the aggregate number of work-days or work-hours not worked. Statistics of strikes may also be classified according to cause, as follows:

- (a) Strikes resulting from a dispute between workers and employers relating to:
 - (i) problems in connection with wages, bonuses and compensation;
 - (ii) problems in connection with conditions of work (hours of work, work organisation, etc.);
 - (iii) employment problems (redundancies, closure, reclassification of staff, etc.);
 - (vi) other problems;
- (b) Other strikes.

Indicators

12. The following indicators may be useful for analysing or comparing statistics of strikes:

- (a) number of strikes;
- (b) number of workers involved;
- (c) number of work-days or work-hours not worked;
- (d) number of establishments involved;
- (e) number of work-days or work-hours not worked per 100 workers in all sectors covered by the strike statistics;
- (f) number of work-days or work-hours not worked per 100 workers by sector;
- (g) number of workers involved per 100 workers in the establishments involved.

Resolution concerning the revision of the International Standard Classification of Occupations

The Fourteenth International Conference of Labour Statisticians,

Having been convened at Geneva by the Governing Body of the ILO and having met from 28 October to 6 November 1987,

Recalling the recommendation of the Eleventh International Conference of Labour Statisticians endorsing the revised International Standard Classification of Occupations, 1968 (ISCO-68), and

Recalling the recommendation of the Thirteenth International Conference of Labour Statisticians concerning the revision of ISCO-68;

Adopts, this sixth day of November 1987, the following resolution, which replaces that adopted in 1966:

1. The occupational classification system of major, sub-major, minor and unit groups shown in the annex to this resolution is endorsed by the Conference and is designated the International Standard Classification of Occupations, 1988 (ISCO-88).

2. ISCO classifies jobs past, present or future. It classifies persons through their actual and potential relation with jobs. Jobs are classified with respect to the type of work performed or to be performed. The basic criteria used to define the system of major, sub-major, minor and unit groups are the "skill" level and "skill" specialisation" required to carry out the tasks and duties of the occupations, with separate major groups for "Legislators, senior officials and managers" and for "Armed Forces".

3. In collecting and processing statistics classified by occupation (e.g. for use in the fields such as labour market analysis; education planning; manpower planning; occupational health analysis; wages analysis, etc.), each country should ensure the possibility of conversion into the ISCO-88 system, to facilitate international use of occupational information.

4. Countries should make available to and discuss with the ILO information about how the groups, aggregates thereof or subdivisions thereof defined in the classification (or classifications) used for national purposes can best be related to the major, sub-major, minor and unit groups of ISCO-88.

5. The Conference notes that the Bureau of Statistics has provided:

- (a) draft definitions of the major, sub-major, minor and unit groups;
- (b) definitions and descriptions of certain occupational categories which are used in its October Inquiry.¹

6. The Conference notes that the Bureau of Statistics will provide:

- (a) guide-lines on how to collect and process occupational information in statistical censuses and surveys, and in administrative records, to ensure high and uniform quality of occupational statistics;
- (b) a manual on how to develop and use national occupational classifications and dictionaries.

Resolution concerning the provision of technical advice and the exchange of experience on consumer price indices

The Fourteenth International Conference of Labour Statisticians, aware of the importance and difficulties of achieving a reliable and objective consumer price index, expresses the desire that, whether centrally or through regional advisers, the International Labour Office (ILO) should be better equipped to provide technical advice and to improve the exchange of experience among government statisticians of member countries.

¹ See *ILO October Inquiry on occupational wages and hours of work and on retail food prices. Annex to Questionnaire on wages and hours of work. Descriptions of the occupations.*

Resolution concerning further ILO statistical work on industrial disputes

The Conference recommends that the Bureau of Statistics should convene a series of technical meetings and/or establish a representative working group to assist it with further work on industrial disputes. Such meetings should pay particular attention to the relevance of existing statistical frameworks, to changes in practices in industrial disputes and to the feasibility of collecting appropriate comparative data in the face of differing circumstances.

Resolution concerning the terminology and coding system for ISCO-88

In view of the need to ensure that the terminology used in ISCO is accurate, that its coverage of occupations in all countries is complete and that the coding system adopted is suitable and practical, the Conference agrees that the Bureau of Statistics should be able to make the following changes to the Annex to the main resolution on ISCO before it is submitted to the Governing Body and published:

- (a) purely terminological changes to improve the appropriateness of titles in English, French and Spanish;
- (b) changes to the ordering of subgroups within groups, to improve the logic and presentation of the structure;
- (c) changes to the numerical coding conventions currently proposed;
- (d) changes to the provision of not-elsewhere-classified groups (n.e.c.) within the structure.

In respect of (c) and (d), the Conference recommends that the Bureau should adapt a number of standard conventions, e.g. regarding the codes reserved for n.e.c. groups.

The Bureau of Statistics should include a set of coding conventions to facilitate the coding of general occupations (jobs which have a lesser degree of specialisation than that implied by the present structure).

In the process the Bureau of Statistics should consult appropriate national experts.

Resolution concerning the application of ISCO-88

The Conference considers it necessary to emphasise that the success of the application of the revised ISCO, in particular for the purposes of international comparisons, requires the continuance of efforts undertaken in this field by the Bureau of Statistics of the ILO. In particular, activities should focus on:

- (a) the provision of appropriate technical assistance to countries intending to draw up or revise their national classifications;
- (b) the provision of technical advice and the holding of consultations with countries wishing to harmonise their national classifications with the revised ISCO;
- (c) the establishment of more precise boundaries between the different basic groups, for example by listing the main borderline cases included or excluded.

To this end, the Conference draws attention to the need to provide an adequate budget to carry out these tasks over the coming years.

Resolution concerning the informal sector

The discussions have underlined the need to measure employment outside the formal sector. This is a heterogeneous group which poses many measurement problems. It should be studied in depth in order to arrive at a definition which includes its component subcategories. Therefore, the International Labour Office should continue to work on this subject and should include it on the agenda of the Fifteenth International Conference of Labour Statisticians.

High-Level Meeting on Employment and Structural Adjustment

(Geneva, 23–25 November 1987)

CONCLUSIONS ADOPTED

The international community, through its competent bodies, has on various occasions in recent months agreed on the main difficulties confronting the world economy, which particularly affect the developing countries.

Bearing in mind these agreements, the seriousness and urgency of the world economic situation and the growing interdependence of the countries of the world, the High-Level Meeting adopted the following conclusions. In adopting these conclusions the Meeting took into account the role of the ILO according to its special responsibility in the United Nations system for labour and social matters, including the promotion of full, productive and freely chosen employment. It also took into account the mandate of the ILO and, recalling Article 2 of the Declaration of Philadelphia, its responsibility to examine and consider economic and financial policies and measures in the light of their impact on employment and social conditions.

1. The number of unemployed and of the poor in the world is alarmingly high and, according to latest forecasts, rising. The crushing problem of international indebtedness is affecting many countries. Efforts must be made, by combined and concerted measures both national and international, to accelerate employment-generating growth, and to combat long-term unemployment. There is general understanding on what these measures should be, but adequate action is now urgent. Large imbalances remain in the world economy, as evidenced by the recent instability on financial markets, threatening, in an increasingly interdependent world, the prospects for future growth. These imbalances must be corrected. A major effort of world-wide structural adjustment is needed, linked to the promotion of more dynamic and non-inflationary growth. This can be a painful process and its burden should be shared equitably both among countries and within them. Efforts should be made to protect the poorest and most vulnerable groups, including particularly women and young people, against sharp falls in their standards of living and social protection, while adjustment policies should be designed in such a way that they provide the basis for future growth of employment and incomes.

2. In order to promote sufficient growth to bring about fuller employment and a reduction of poverty, concerted action is needed on the part of the industrialised countries both as regards macro-economic and financial policies and as regards policies for expanded trade, capital flows and aid, as well as appropriate policies in the developing countries. International organisations should support and facilitate action by governments to this end. At the same time, due consideration should be given to the protection of the environment to ensure future sustainable growth and employment creation.

3. The maintenance and extension of an open world trading system is a necessary prerequisite to the efficient and effective promotion of growth, employment and the improvement of living standards. Protectionism in all its various forms delays needed adjustment, reduces the scope for growth in the world economy and denies comparative advantage where it exists. Protectionism is unacceptable because it exports unemployment from one country to another.

4. The heavy debt burden of developing countries has had serious consequences on employment. Agreement on the measures to overcome the debt problem has been reached recently in UNCTAD VII, which, in its Final Act stated:

“The debt crisis is complex and an equitable, durable and mutually agreed solution will be reached only by an approach based on development, within the framework of an integrated, co-operative, growth-oriented strategy that takes into account the particular circumstances of each country. The response to the debt crisis should continue to evolve,

through continuous dialogue and shared responsibility, and the strategy should be implemented with flexibility in an environment of strengthened international co-operation, bearing in mind General Assembly resolution 41/202.”

It is important that this agreement be implemented urgently in a manner that contributes to employment growth and poverty alleviation.

Policies and programmes for more dynamic adjustment and growth

The industrialised countries

5. All industrialised countries face six inter-related challenges pursuant to commitments they have already taken in other forums:

- (1) to co-ordinate macro-economic policy management (including, where appropriate, active stimulation of demand);
- (2) to facilitate and promote the necessary adjustments in their own economic structures which will ease technological change and shifts in the international division of labour, encourage investment and generate new employment;
- (3) to make fuller and better use of their labour force through policies of education, training and retraining, the encouragement of mobility and by high levels of investment;
- (4) to maintain and enhance the open multilateral trading system, to facilitate international investment and finance, and to allow greater access to their domestic markets for the products of developing countries;
- (5) to pursue flexible policies in addressing the international debt problem; and
- (6) to increase the resources being made available for official development assistance and to encourage other financial flows from private sources to developing countries.

Developing countries

6. Developing countries have a corresponding challenge to pursue structural adjustment policies which should enable them to participate better in an interdependent world economy. Together with the industrialised countries, they share, according to their possibilities, responsibility for maintaining and expanding an open international trading system. Structural adjustment policies can only make a lasting contribution to their economies and to employment if they lead to a greater mobilisation of resources and a more efficient use of those resources. Stabilisation policies should be accompanied by structural adjustment policies.

7. Governments and employers should be encouraged to undertake or promote employment-intensive investment schemes as a means of easing the transition of the workforce into new jobs.

8. Adjustment policies should be designed in a way to increase the productive capacity of the poorer groups of the population in order to lay a basis for sustainable growth and the satisfaction of basic needs. Strategies for growth and equity must include measures to increase employment opportunities for vulnerable groups, particularly poor women and youth, and to improve their access to income-earning assets, skills, credit, markets and production techniques adapted to their needs. In this connection, adjustment policies must continue to give attention directly to the rural sector. The participation of organisations of rural workers, amongst others, in the formulation and implementation of these policies should be encouraged.

9. Special attention should be given to the contribution that the development of small and medium-sized enterprises can make to employment promotion, while ensuring that workers' rights are safeguarded and adequate standards of social protection are provided for workers engaged in such enterprises.

10. Structural adjustment will require a better management of human resources, since it might result in a displacement of workers, whose redeployment presents a particularly difficult problem in many developing countries. Adequate policies for training and retraining and to facilitate labour mobility are essential.

Problems common to all countries: building a social consensus

11. All countries need to pursue policies that enable adjustment to the changing conditions of an interdependent world economy. Such policies should contribute to an international effort

to promote growth, increase investment and overcome the debt crisis. There can, of course, be no general or universal prescription for the achievement of these goals; each country's situation is different, and policies need to be designed that are specific to national problems and perspectives. The impact of stabilisation and adjustment programmes on poverty groups should be scrutinised. In the process of restructuring government expenditure special care needs to be taken to safeguard the interests of the most vulnerable groups of the population and, if necessary, to improve the efficiency and the targeting of such programmes, while reducing unnecessary or unproductive expenditure.

12. Successful adjustment policies require action at all levels of the economy—the enterprise, the industrial sector, the national economy and in particular the labour market—and in international economic relations. As an important part of an emerging international consensus on measures to encourage stable, sustained non-inflationary growth and recognising the need for a flexible response to change, all countries will need to improve the adaptability of enterprises and the economy as a whole. To this end an important contribution can be made by improved dialogue and co-operation between workers and employers and, where appropriate, their representative organisations. Such dialogue and co-operation can contribute to improved training, higher levels of investment and the facilitation of the introduction of new technologies.

13. In the light of these considerations:

(1) Governments must confront the difficult challenge of ensuring that adjustment policies, and the need for them, are widely understood and based on the broadest possible social consensus.

(2) A much greater involvement in decision-making on adjustment by all authorities responsible for labour and social matters would contribute to full integration of the social dimensions, the social consequences and thus the social acceptability into the policies under consideration.

(3) Free and independent organisations of employers and workers have a major contribution to make to the formulation of general economic policies, particularly adjustment policies. Collective bargaining on wages and working practices needs to be promoted.

(4) The current period of economic difficulty and uncertainty highlights the value of strengthened tripartite discussion for the creation of social cohesion and broad-based support for policies of national development.

The potential for joint action by the international organisations, and in particular the role of the ILO, in promoting socially oriented patterns of dynamic adjustment and growth

14. A number of international organisations, especially those represented at the High-Level Meeting, have important roles to play in promoting effective growth-oriented adjustment programmes. Each of these organisations has its own mandate and its own sphere of responsibility which must be respected.

15. These agencies should share their knowledge and experience and help to devise measures to achieve adjustment and growth with minimum social cost.

16. They should assist developing countries in particular to devise and implement policies and programmes which take explicitly into account the needs and problems of the poor. For instance, they can help countries to devise programmes which achieve their adjustment objectives and yet maintain essential social services and provide the poor with productive assets.

17. As adjustment affects the whole structure of society, the broad support of all social groups will help to ensure its success. International organisations should make every effort to encourage governments to promote participation and dialogue with and between different social groups, including organisations of employers and workers, in devising and implementing adjustment policies. In doing so they should pay due regard to basic international labour standards.

18. Based on the documents presented to it, the Meeting considered a number of fields of ILO action which, in co-operation with other agencies, could be intensified in order to assist countries upon request in the process of structural adjustment. Such activities could include:

(1) Assisting countries in establishing or developing statistical and other mechanisms to monitor the evolution of the employment and social situation and to assess the impact of employment policies and measures on different target groups within the adjustment process.

(2) Assisting in designing programmes which would enhance the productive capacity of the poor sections of society and help to satisfy their basic needs, through provision of technical assistance and other inputs.

(3) Assisting in improving the efficiency of the public sector, including advice and assistance on public sector wage structures and salary scales, on improved planning and management of manpower in the public service and in public sector enterprises, and on measures to facilitate the redeployment of redundant public sector employees.

(4) Documenting successful cases of employment-generating structural adjustment programmes in developed as well as developing countries, in order to draw the lessons from such cases and give appropriate advice.

(5) Promoting small and medium-sized enterprises and self-employment, through such measures as the injection of entrepreneurship development into educational curricula.

(6) Promoting the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the positive role which private foreign investment can play in economic development.

(7) Developing its training and retraining programmes so as to:

- (a) raise levels of productivity and performance in public and private sector enterprises through more effective work organisation, quality improvement, waste reduction and other measures;
- (b) facilitate the geographical and occupational mobility of human resources, in particular the retraining of workers affected by structural adjustment;
- (c) provide people, particularly young people, entering or re-entering the labour force with appropriate skills.

(8) Continuing and developing, in co-operation with other international organisations and governments concerned, the examination of the relationship between employment creation and technological development.

(9) Continuing to monitor the evolution of flows of migrant labour.

19. The ILO should promote tripartite consultation and co-operation on adjustment. The ILO should, of course, remain vigilant in ensuring that full respect for its standards on employment, human rights and tripartism, including freedom of association and collective bargaining, form an integral part of adjustment policies. Assistance should also be given in the establishment of machinery for tripartite dialogue and consultation on adjustment programmes, and in strengthening the parties to that dialogue — ministries of labour and employers' and workers' organisations.

20. The Governing Body may indicate that the views of the Meeting on this matter should be taken into account in the preparation of both the Medium-Term Plan 1990–95 and the Programme and Budget for 1990–91 and in the implementation of planned activities.

Tripartite Meeting on Salaried Authors and Inventors

(Geneva, 24 November–2 December 1987)

CONCLUSIONS ADOPTED

Conclusions concerning the Protection of Salaried Authors, Inventors, and Performers¹

The Tripartite Meeting on Salaried Authors and Inventors,
Having been convened by the Governing Body of the International Labour Office,
Having met in Geneva from 24 November to 2 December 1987;
Adopts this second day of December 1987, the following conclusions:

General considerations

1. When examining the various aspects of the protection of salaried authors, inventors and performers who have entered into an employment relationship, emphasis should be laid on their vital role in the authorship, the invention process and performances. The protection of the rights and interests of inventors, authors and performers should be organised having due regard to the principles embodied, inter alia, in article 27, paragraph 2, of the Universal Declaration of Human Rights² and article 15, paragraph 1(c) of the International Covenant on Economic, Social and Cultural Rights, the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, the Paris Convention for the Protection of Industrial Property and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations. The Unesco Recommendation concerning the Status of Artists might also be relevant. Likewise, for developing countries, Chapter III Volume I of the WIPO Model Law for Developing Countries on Inventions and section 11 of the Tunis Model Law on Copyright for Developing Countries might also be relevant.

2. Within the framework of the principles contained in the various instruments listed above, it is clearly of importance to protect the rights and interests of the parties concerned which stem from employment relationships. It should be recalled that the interests, if not the rights, of employers and employees are more complementary than divergent in as much as the employer needs the imagination of the employees and they in turn rely on the resources provided by the employer in order to develop, exploit and disseminate the invention, copyright work or performance.

3. The diversity of situations with regard to forms of employment relationship results in the need to distinguish between salaried authors, inventors and performers. In each case the existence of an employment relationship can affect the rights of all concerned. The continuing effect of technological change on the rights of all concerned should be taken into account.

4. Finally, the concept of invention used in these conclusions is that of service inventions or dependent inventions, unless specified to the contrary. These conclusions do not apply to free inventions.

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¹ Paragraphs 1 to 4 and 17 to 23 were adopted unanimously.

² "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

IV. Future action of the ILO¹

17. The future action of the ILO concerning the protection of salaried authors, inventors and performers in the employment context should take into account the diversity in the situations of such inventors, authors and performers. While taking into account constraints imposed by the available resources, priorities should be clearly indentified. These priorities are as follows:

- to undertake studies and research;
- to compile and disseminate information;
- to develop and implement advisory and technical co-operation activities;
- to study law and practice in order to allow the Governing Body of the ILO to examine the possibility of placing an item concerning the protection of salaried authors, investors and performers on the agenda of a future session of the International Labour Conference.

18. The ILO is in a good position to carry out studies and research, to compile and disseminate information, to undertake technical assistance activities and to provide advisory services. The ILO should undertake studies particularly in the following areas:

- further study of national law and practice including collective bargaining with regard to salaried authors, inventors and performers;
- the situation and specific problems of salaried authors, inventors and performers employed by public bodies;
- the specific implications of technical improvements and innovations which currently play a fundamental role, particularly in developing countries, in order to respond to the request of these countries.

19. The ILO should also collect and disseminate information on issues concerning the protection of salaried authors, inventors and performers with particular reference to the needs of developing countries.

20. In the field of technical assistance, the ILO should provide technical and advisory services to the countries which express the need for them, particularly with the aim of assisting them to ratify and implement ILO standards in the field of freedom of association and the right to collective bargaining. This assistance could take various forms, including participation, within the framework of technical co-operation projects; the ILO could within the field of its competence assist developing countries through technical advisory services and technical co-operation projects in exploiting locally patented inventions.

21. When undertaking these activities, duplication of the work of other international organisations that are competent in the field of intellectual property should be avoided and possible areas of co-operation with them examined.

22. With regard to performers, who are no longer covered by the mandate of the Advisory Committee on Salaried Employees and Professional Workers (ACSEPW), effect should be given to the provisions of resolution No. 94 adopted in 1985 which, among others, call for the convening of tripartite meetings.

23. In view of the importance of innovations, especially to developing countries, the meeting recommends that a tripartite meeting be organised on the issue of innovations by workers.

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The following paragraphs were proposed by the Chairman but no tripartite consensus was reached; they were unanimously accepted by the Workers' group and by the majority of Governments. They were rejected by the Employers' group unanimously and by the Government representative of the United States. The Employers' group unanimously and the Government representative of the United States wanted these paragraphs deleted because they contained elements to which they were fundamentally opposed:

¹ For sections I to III, see pp. 178-180.

I. Purpose and nature of protection

Economic rights

5. Inventions and works are the product of the activity of an individual, an employee and sometimes several employees. The birth and exploitation of a creation are often made possible because the private enterprise or public institution has invested material and financial resources sometimes on a large scale and thus has taken a risk. Within the framework of the employment relationship, the employer may acquire certain interests in material rights. National laws and practice may provide for the acquisition of rights concerning conditions of ownership, use, exploitation and authorisation.

6. In order to limit the risk of disputes, it is necessary for the scope of mutual commitments arising from the employment relationship to be specified in the employment contract, particularly with regard to:

- the uses to which the works may be put or their non-exploitation;
- the conditions governing the transfer of ownership of the invention;
- the financial benefits for each of the parties, both in the form of compensation and an equitable share of earnings;
- a reasonable time frame that is in accordance with professional requirements within which the invention or work will be exploited.

Pecuniary rights

7. Equitable compensation should be provided for in the event of exceptional profits being obtained from the exploitation of an invention or work. Such compensation, which results from exceptional circumstances, is distinct from the compensatory payment to which the creation may give rise. In order to share the risks between the employer and the creator, it would be appropriate for equitable compensation to be determined progressively and calculated in relation to profits rather than as a lump sum. Collective bargaining, in the field of pecuniary rights, is a valuable instrument for determining the most appropriate level of remuneration.

Moral rights

8. The recognition of the moral rights of the creator is a universally accepted principle. Salaried inventors enjoy the right of paternity. This moral right to be named takes the form of recognition as the inventor in the patent, or in any other document in accordance with national law and practice. In countries in which the legal system does not recognise this right in its fullest sense, appropriate measures should be taken to ensure that the principle is respected. The moral rights of salaried authors also include a right to paternity. With regard to the right to the integrity of the work, salaried authors may always defend it and oppose any modifications that may be prejudicial to their honour and reputation. Even in cases where the invention or work is the product of collaboration between salaried employees, the moral rights of creators should be protected by appropriate measures.

Effects of termination of the employment relationship

9. The rights of the parties over the creation should not be modified by the termination of the employment relationship. Any reference in the contract to future creations which are produced after the termination of the employment relationship should take into account national standards in this respect. An examination should be made of the rules that apply concerning competition in the event of the creator being engaged by another employer.

10. The termination of the employment relationship may not therefore result in any restrictions on the rights of the creator which are not in accordance with the prevailing legal system. The burden of proof in the event of disputes concerning the ownership of rights over a creation produced after the termination of the employment relationship, or which could be covered by that relationship, is upon the plaintiff.

II. *Ways to ensure protection*

The role of information

11. Great importance should be attached to the dissemination of detailed information for the implementation of the rights and obligations of salaried authors and inventors and employers with regard to issues concerning the connection between employment relationships and inventions and creations. The effective implementation of certain rights of salaried authors and inventors, whether these rights are recognised by agreements or enforced under national legislation, depends on the content, scope and timely dissemination of information that is in the employer's possession. At the same time, conditions should be conducive to the disclosure by employed creators of relevant information. In order to take into account the diversity of existing situations, the obligations of the parties concerning the provision of information should be determined, taking into consideration national practice and circumstances, either in collective agreements or through legislation. The dissemination of information determined to be useful to the parties should not be affected by the termination of the employment relationship. Occupational organisations have a very important role to play in the dissemination of information intended to improve understanding of these issues.

Collective bargaining

12. The effectiveness of collective bargaining in the establishment of equitable regulations concerning employment relationships between salaried authors and inventors and employers has been demonstrated in many countries. The negotiating parties need to be in a position of equality. The principle of freedom of negotiation and the role of employers' and workers' organisations are widely recognised. Freedom of association and collective bargaining are among the fundamental principles of the ILO and are enshrined in international labour conventions concerning fundamental human rights. It is the responsibility of governments to establish, where necessary, a favourable environment for collective bargaining by taking into account the specific characteristics of the situation of inventors, authors and performers to the extent that it differs from that of other workers and in so far as there are appreciable differences between these categories of creators themselves. 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), constitute the appropriate framework for the creation of this environment; member States which have not yet ratified them are invited to envisage doing so.

Settlement of disputes

13. The existence of appropriate machinery and procedures for the settlement of individual disputes that may arise between employers and salaried authors and inventors, and which are able to take into account the complexity and technical characteristics of the problems which arise when applying the rights embodied in agreements or legislation, is a fundamental aspect of industrial relations. In accordance with the provisions of the Examination of Grievances Recommendation, 1967 (No.130), an attempt should first be made to settle disputes within the enterprise; if this fails, they should be settled by means of procedures envisaged in appropriate collective agreements or legislative provisions in order to resolve disputes between employers and workers. Regardless of the procedures used, settlement of disputes should be inexpensive or free of charge, expeditious and uncomplicated. In a number of countries special conciliation, mediation and arbitration machinery has been established through collective agreements or legislative provisions. Whether optional or obligatory, this machinery makes it possible to examine the dispute with the required technical expertise from the standpoint of both labour law and intellectual property law. It also provides an opportunity to settle disputes without needing to resort to the courts.

III. *The need for protective measures at the national and international levels*

14. It is in the interest of all to promote the creation of intellectual property and its use and to encourage organisations whose mandate is the protection of intellectual property to pursue their activities in this respect. The mandate of the ILO with regard to social justice and the protection of the rights of workers, including their rights over the inventions, works and artistic

performances that they create within the framework of an employment relationship, complements the mandate of other organisations. The ILO's unique tripartite structure puts this Organisation in a privileged position to promote and guarantee the interests of inventors, authors and performers who are bound by an employment relationship.

15. The encouragement of creative activity is also within the domain of governments, *inter alia*, through their taxation policy, particularly with regard to authors and performers. Taxation systems which are based on the assessment of income over several years or over a longer period would be more equitable and encourage creative activity.

16. There are no international instruments dealing specifically or adequately with the rights of salaried inventors and this absence should be remedied. With regard to salaried performers, existing instruments, such as the Rome Convention, do not take sufficiently into account the ways in which their rights are affected by recent technological changes concerning the dissemination and reproduction of their performances.

Third Tripartite Technical Meeting for the Clothing Industry

(Geneva, 2-10 December 1987)

CONCLUSIONS, RESOLUTIONS AND CLASSIFICATION ADOPTED

Conclusions (No. 18) concerning Manpower Development, Training and Retraining in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987;

Adopts this tenth day of December 1987 the following conclusions:

1. There is a clothing industry in all countries and many millions of people world-wide are involved in making garments. The clothing industry is on the whole rather labour-intensive and characterised by a large number of small and very small enterprises, including many self-employed workers. Other characteristics include the very high proportion of women workers, most of whom are young and hardly trained, if at all; average wages in the industry tend to be low and career prospects need to be improved.

2. Training for those who work in the industry is often not given, or not given systematically. Yet, many good reasons exist for human resources development, including the adoption of new technologies, rapid changes in fashion, increasing product quality, enhancing worker safety, reducing all sorts of waste, etc.

3. Skill requirements and training needs in the clothing industry may vary enormously within and among countries, depending on the size of the enterprises, the products made, the technology used and, with the passage of time, the various changes affecting the industry. It is important to recognise, for example, that workers in very small enterprises must possess a package of technical, managerial and other skills whereas in large firms specialists are more likely to be required. Another important determinant of training needs is the nature of the country's education and training system and the use being made thereof by those who are subsequently employed in the clothing industry.

4. In some countries, elaborate provisions exist for government-sponsored, institution-based training or for programmes which combine theoretical, off-the-job training with practical, on-the-job training. Such efforts are usually undertaken in close consultation or collaboration with employers' and workers' organisations. In other countries, clothing industry workers are mainly trained on the job, e.g. as recognised apprentices. There are also countries where training for making garments is not apparent. In all countries tripartite consultations among governments, employers' organisations and workers' organisations should be encouraged.

5. Priorities for training vary, particularly in view of differences which exist between developed and developing countries. In countries where the industry has had to adjust to structural changes, retraining of workers who are to perform new tasks or who have become redundant requires special attention. In other countries training may be organised to contribute to higher levels of output and productivity, and hence higher levels of income; it may also be required to enhance quality and ensure competitiveness. In certain circumstances, it may be necessary for government-sponsored institutions to provide in the first place literacy or language training to clothing industry workers.

6. Training should serve the interests of the nation, employers and workers. Workers who have been trained should expect to benefit in terms of a better income, enhanced employment

¹ Adopted unanimously.

security and improved occupational health and safety, job satisfaction, career prospects, etc.

7. Workers and managers should be able to benefit from training, upgrading and retraining throughout their careers in response to changing requirements and opportunities. Education and training should to a larger extent be seen as a life-long process. In this context, reference should be made to ILO instruments such as the Paid Educational Leave Convention, 1974 (No.140), and Recommendation, 1974 (No.148), in relation to training.

8. Training should, of course, be relevant to the circumstances in which workers operate. For example, the equipment used in the training should correspond to that found in the enterprises where they work. Training should not result in unrealistic output expectations which would be detrimental to workers' health and safety.

9. Broadening training contents in pre-employment programmes can contribute to worker mobility, both within and outside the clothing industry. Modular training may be a flexible approach to dealing with individual training needs.

10. It is particularly important to use training as an instrument to ensure additional career opportunities for women in the clothing industry. Although a large majority of workers in the industry are women, their share is low in technical, professional and managerial occupations. Cultural and attitudinal constraints must neither be ignored nor be considered as immutable. Experience in some countries shows that it is possible to make considerable progress in this respect only if a determined effort is made by all parties concerned to eliminate biases against women in training and in the workplace.

11. In order to create conditions which make training for women effective it may be necessary to provide for maternity leave and child-care facilities; other measures to complement the effect of training may include a review of the organisation of work, the introduction of flexible working hours, allowing for part-time employment, etc.

12. Employers' and workers' organisations in the clothing industry should likewise appoint more women to responsible positions. Training efforts may have to be organised for this purpose.

13. Governments, employers and workers and/or their organisations should each, as appropriate, take the initiative and share responsibility for making plans and for implementing training and retraining activities.

14. It is necessary to organise self-employed, informal sector tailors and dressmakers, of whom there are so many in developing countries, so that training and complementary support measures can be effective. Homeworkers should have the right to training in all instances, for example to improve their living and working conditions and to equip them to join the factory sector.

15. Governments, employers' and workers' organisations should adopt measures or special programmes to alleviate and, where possible, to eliminate the hardships of clothing industry workers who may become redundant on account of structural changes affecting the industry. Opportunities for retraining and vocational guidance should be an important component of any such measures or special programmes. In this connection, reference should be made to ILO instruments pertaining to vocational guidance such as the Human Resources Development Convention, 1975 (No.142), and Recommendation, 1975 (No.150).

16. Suppliers of equipment to the clothing industry must present complete, correct and understandable information so that those who install, use, maintain and repair new machinery do so properly and without risk of accidents. Suppliers should, as necessary, provide training for this purpose and guarantee the safety of their equipment. Governments and/or employers should impose suitable safety conditions on equipment suppliers. Beyond this, steps may be envisaged to convince the designers of machinery to incorporate ergonomics in their designs.

17. Where this is not already the case, effective national systems should be developed to exchange information related to training and retraining in the clothing industry. Such information should be accessible to both employers and workers. Radio, television and other media may be appropriate to complement the written word in disseminating useful information. Study tours, both within countries and abroad, are a useful means of learning about best practices in training efforts. Governments and employers' and workers' organisations may furthermore establish consultancy or extension services to promote and improve training in the clothing industry.

18. As regards the role of the ILO in assisting its constituents in the development of human resources, it would be useful to recall the relevant conclusions and recommendations of earlier tripartite meetings, in particular those for the clothing industry.

19. The ILO should continue to assume a catalytic and co-ordinating role in promoting the adoption of policies and the implementation of programmes for manpower development, training and retraining for workers and programmes for management in general in the clothing industry world-wide.

20. The ILO should endeavour to improve the statistical coverage of employment data for the clothing industry. It should furthermore continue to collect useful information concerning training for those who are involved in making garments.

21. The ILO should continue to act as a clearing-house for such information so that governments and employers' and workers' organisations in all countries may benefit from experience which is documented. The organisation by the ILO of study tours within and across national borders may be an effective means of exchanging such experience.

22. The ILO should continue to provide, if so requested, technical assistance to developing countries in formulating policies and establishing structures which contribute to manpower development for the clothing industry. It should, in doing so, give particular attention to relevant training for self-employment or employment in micro-enterprises. Another priority area concerns the training of instructors.

23. The ILO should continue, in particular through the International Centre for Advanced Vocational and Technical Training in Turin and the Regional Training Centres such as APSDEP, CIADFOR and CINTERFOR, to arrange for the training of all categories of people who may be responsible for manpower development, training and retraining in the clothing industry.

24. The ILO should continue its efforts towards assisting and strengthening employers' and workers' organisations, particularly in developing countries, with a view to enhancing tripartite processes which will benefit all involved in the clothing industry.

25. The ILO should recommend how employers acquiring new technology, and workers using it, can be protected against risks which might result from adopting such technology. The ILO also should adopt recommendations which encourage manufacturers of machinery to ensure that the equipment they manufacture conforms with the best practices in occupational health and safety.

Conclusions (No.19) concerning the Impact on Employment and Income of Structural and Technological Change in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987;

Adopts this tenth day of December 1987 the following conclusions:

General considerations

1. The clothing industry, as all manufacturing industry, is subject to pressures for change on both the demand and the supply side. On the demand side, this is the result of inadequate effective demand and declining purchasing power in many countries, changes in the overall level of demand, in the composition of demand, and in the speed with which changes in consumer demand and fashion take place. On the supply side, the pressures find their origin principally in two factors: increased competition from new and existing suppliers, both domestic and foreign, and the still limited introduction of new technologies.

2. Structural changes are inevitable in the process of economic growth and development. However, these can lead to plant closures and unemployment. In recent years, these changes have taken place in a context of low economic growth or recession in many countries. This has

¹ Adopted unanimously.

made adjustments in countries which have been losing employment and income all the more difficult.

3. Compared to other industries, the clothing industry employs large numbers of workers, both in absolute and in relative terms. Even though new technologies have been introduced at certain stages of production, it is still among the most labour-intensive industries everywhere. This makes it a prime candidate for the development of the industry in countries and areas where wage costs are relatively low.

4. Where industrialisation is generally achieved through labour-intensive activities, that type of activity is instrumental in employment creation. As a result, the clothing industry is also seen as one of the means of contributing towards the process of industrialisation in developing countries.

5. The analysis of the impact of structural and technological change on employment and income is hampered by the frequent absence, inadequacy and lack of international comparability of statistical data, in particular data on employment and income.

6. Greater frequency in changes of demand through, e.g. changes in consumer demand and fashion make it imperative that the industry respond more quickly and more flexibly in production and marketing, with its obvious implications for new technology and work organisation. This can also be affected by lack of co-ordination at different stages in the textile and clothing chain.

7. The introduction of new technologies under conditions of slow demand growth can have serious negative effects on employment levels. New technologies will also lead to changes in working methods and work organisation.

Conclusions on the impact on employment and income

8. It is indispensable that any action to promote employment and income in the industry involves measures to stimulate overall world demand, including in areas where clothing consumption per capita is low. Action to improve the macro-economic situation—through, for example, greater economic growth, monetary stability and an early solution to the debt crisis—and the favourable effects on investment and demand that can be expected from this must receive priority from governments.

9. The introduction of advanced technologies that increase productivity can result in new combinations of staffing, skill and responsibility factors. These changes will require training and other mechanisms of adjustment to help maintain job security. Programmes that feature tripartite co-operation in developing and implementing programmes to assist the industry and its workforce have been demonstrated to have positive results and should be encouraged, where appropriate.

10. To the extent that restoring the enterprise's viability depends on unit cost reduction, the employer and workers have a common interest in improving the undertaking's productivity. The introduction for this purpose of new equipment, processes, organisation and conditions of work should be preceded by the provision of information to and consultation with the workers' representatives, and may be accompanied for the matter of working conditions by negotiations or discussions as is the practice or law in the respective countries.

11. In order to avert or minimise termination of employment, there should be consultations in advance on appropriate arrangements of work and working time of workers and utilisation of machines as well as internal retraining for redeployment of personnel according to national practices in the respective countries, which are compatible with the economic and technological requirements of the enterprise. In this connection, regard should be given to the effects on workers' earnings and health and safety requirements.

12. In both industrialised and developing countries it is frequently necessary in the context of the introduction of new technologies to consider flexibility of working arrangements in order to improve productivity. In this effort to seek an improvement in productivity, methods should be found of facilitating changes and ways of enabling all concerned to benefit from the positive results obtained as a consequence of these changes. It is understood in the aforementioned sentence that, should benefits occur, these should also in part accrue to the workers.

13. An aspect of the clothing industry causing grave concern is clandestine labour. Clandestine work is here defined as work not performed in accordance with laws or other

protective regulations, the earnings of which are not subject to taxes nor declared for social security purposes. This practice is unanimously condemned by the Meeting. In most cases legislation is in existence, but needs to be more effectively and strictly enforced.

14. Governments can play a useful role in the adjustment process in the industry, by raising the awareness of the changes taking place, encouraging upgrading, promoting more efficient forms of work organisation and the work environment, offering training facilities to workers, and informing and assisting in the modernisation of small and medium-sized enterprises.

Action to be taken by the ILO

15. The ILO has an important task in monitoring developments in the industry and the dissemination of experiences with adjustment to structural and technological change both inside and outside the clothing industry. Case studies should consider the enterprise and the national level. Dissemination should take the form of publications, meetings and technical co-operation projects. Research should be, above all, practically oriented. There should also continue to be appropriate encouragement for greater ratification and implementation of relevant ILO standards.

16. In view of the rapid changes taking place in the industry and the possible consequences of these on employment and income of many millions of workers, the structure of the industry and the organisation of work, the Meeting feels that tripartite consultative meetings on this industry should be held with greater frequency.

17. It is essential that governments and employers' and workers' organisations in the clothing industry co-operate among themselves and with the ILO to improve statistical information on production, employment, consumption, wages and income, and conditions of employment in the industry.

**Resolution (No. 20) concerning Smuggling and Trade in Counterfeit Goods
in the Clothing Industry¹**

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Considering the growing world-wide incidence of smuggling and trade in counterfeit goods in the clothing industry,

Stressing that these unfair practices have a destabilising and undermining effect on the clothing industries in developing and industrial countries alike and thus represent a direct threat to production and employment in these industries,

Recognising that the possible use of dangerous substances in the production of counterfeit goods may represent a health danger;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry requests the Governing Body of the International Labour Office to invite the Director-General to draw the attention of member States as well as all the relevant intergovernmental organisations, such as the GATT, UNCTAD, OECD and the EEC, to the need to examine energetic steps to be taken with a view to abolishing the abusive practices of smuggling and trade in counterfeit goods in the clothing sector.

**Resolution (No. 21) concerning the Employment Implications of International Trade,
in the Clothing Industry¹**

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

¹ Adopted unanimously.

Having met in Geneva from 2 to 10 December 1987,
Considering that the clothing industry is one of the largest manufacturing industries,
Stressing the importance of international trade in the clothing sector;
Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office to request the Director-General to examine the employment implications of international trade for the labour force in the clothing industry and communicate with GATT on these implications.

Resolution (No. 22) concerning Child Labour in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Recalling the provisions contained in the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973, aimed at the elimination of child labour,

Endorsing the call for national and international action against exploitative employment of children contained in the Director-General's Report to the 1983 Session of the International Labour Conference,

Noting with grave concern that the problem of child labour continues to exist in the clothing industry in a number of countries,

Emphasising, once again, the harmful impact of exploitative employment on the health, the education, as well as on the physical and mental development of working children;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office to request the Director-General:

- (1) to urge member States to accelerate the adoption and secure the implementation of effective measures for the elimination of child labour and to extend maximum protection to all working children until this objective is reached;
- (2) to appeal to member States, as appropriate, to ratify and fully implement the Minimum Age convention, 1973 (No.138), and to apply the provisions of the relevant Recommendation (No.146);
- (3) to invite the other United Nations bodies concerned to jointly examine possible steps that might be taken with a view to strengthening international action and instruments for the combating of child labour;
- (4) to carry out the study requested in Resolution No.14 of the Second Tripartite Technical Meeting for the Clothing Industry (1980) concerning conditions under which children are employed in the clothing industry wherever such practices exist.

Resolution (No. 23) concerning Multinational Enterprises in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Noting the existence of multinational enterprises and their potential contribution to employment and income generation in the clothing industry,

Noting further that multinationals, as well as national enterprises, should observe adequate minimum standards with respect to social conditions, terms of employment, freedom of association, and the protection of the working environment,

Emphasising the important guidance provided in this regard by the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

¹ Adopted unanimously.

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office:

- (1) to call on the governments of ILO member States to give effect to the provisions of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
- (2) to urge governments of ILO member States to put special emphasis in this regard, as far as the clothing industry is concerned, on the provisions related to tripartite consultation, freedom of association, collective bargaining and the protection of the working and general environment as well as on the introduction of technology that generates employment and is in full harmony with the national development needs of the host country;
- (3) to request the Director-General to invite governments as well as employer's and workers' organisations in the countries concerned to inform the ILO about important developments concerning multinational clothing enterprises.

Resolution (No. 24) concerning Export Processing Zones and the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Considering that the clothing industry constitutes a sizeable part of the production and the workforce in export processing zones,

Recognising that major incentives granted by a number of governments to investors in export processing zones are financial, fiscal and economic in character,

Recognising also that cost factors are often a major attraction for investors,

Emphasising that international labour standards related to basic human rights should be applied in all export processing zones;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office:

- (1) to urge member States to promote the full application in export processing zones of the relevant ILO Conventions and Recommendations as well as of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
- (2) to request the Director-General:
 - (a) to devote special attention in the context of the ILO's research and information activities to the identification and publication of the specific problems and conditions of workers employed in the export processing zones;
 - (b) to conduct, to this effect, studies and/or tripartite seminars on the problems of garment workers in export processing zones;
 - (c) to provide relevant educational activities and materials for workers and their organisations in export processing zones.

Resolution (No. 25) concerning the Observance of International Labour Standards Related to Basic Human Rights in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Emphasising the basic principle that economic development and expansion should lead to social progress and better living standards for all,

¹ Adopted unanimously.

Considering that the clothing industry, being a labour-intensive manufacturing industry, is particularly concerned with this principle;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office:

- (1) to call on member States to ratify and effectively observe the following international labour standards related to basic human rights aimed at enhancing social justice and living standards: the Forced Labour Convention, 1930 (No.29); 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); the Equal Remuneration Convention, 1951 (No. 100); the Abolition of Forced Labour Convention, 1957 (No. 105); the Discrimination (Employment and Occupation) Convention, 1958 (No.111); and the Worker's Representatives Convention, 1971 (No.135); and to effectively observe the respective Recommendations;
- (2) to invite the Director-General to draw the attention of other international and regional organisations, in particular the IMF, GATT, UNCTAD and UNIDO, to this resolution.

Resolution (No. 26) concerning Equal Pay for Work of Equal Value in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Noting the steady increase in the number of females employed in the clothing industry in a number of countries,

Expressing concern that, in spite of the progress achieved in a number of countries, the problem of discrimination in remuneration continues to exist in the clothing industry in a number of member States,

Recalling the Equal Remuneration Convention, 1951 (No.100), which is based on the principle of equal pay for work of equal value,

Emphasising that, although that Convention has been ratified by many member States, problems of implementation may exist;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office to call on member States:

- (1) to accelerate the adoption and effective implementation of adequate legislation and other measures for the creation of conditions of equal opportunities and remuneration between male and female workers in the clothing industry;
- (2) to stimulate the involvement of employers' and workers' organisations in the promotion of equal treatment and opportunities for male and female workers in the clothing industry;
- (3) to ratify and effectively implement the Equal Remuneration Convention, 1951 (No.100), and the Discrimination (Employment and Occupation) Convention, 1958 (No.111), and to apply the provisions contained in the accompanying Recommendations Nos. 90 and 111.

Resolution (No. 27) concerning Industrial Home Work in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Noting that industrial home work is practised in the clothing industry in many countries and that it is the only source of income for many workers and their families,

¹ Adopted unanimously.

Noting, however, that on some occasions it may give rise to abuse, breaches of law, unfair competition, insufficient conditions of safety and health, as well as to the use of child Labour,

Recalling the conclusions concerning the protection of homeworkers, adopted by the Second Meeting in 1980;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office:

- (1) to call on all member States where home work is permitted to implement adequate measures with a view to effectively regulating home work with the objective of establishing the legal status of homeworkers in line with conditions in the clothing industry;
- (2) to call on all member States to put special emphasis in this connection, and with the active participation of employers' and workers' organisations, on the elimination of abuses that may occur in connection with home work;
- (3) to request the Director-General to contribute to the further identification and assessment of the specific problems and conditions of homeworkers in the clothing industry by preparing a comparative study on the situation of homeworkers and factory workers in this regard and by convening the envisaged Tripartite Meeting of Experts on Home Work as soon as possible.

Resolution (No. 28) concerning Occupational Safety and Health in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Noting that occupational health and safety problems continue to be a serious concern for employers and workers,

Considering that the occupational health and safety problems in the clothing industry are becoming increasingly complex as a result of new production techniques, production speeds and the changing working environment,

Conscious of the need to adopt urgent and effective measures to ensure the protection of workers' health,

Considering that education and training with regard to occupational hazards continue to be essential;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office:

- (1) to call on governments in all member States:
 - (a) to encourage co-operation among the employers' and workers' organisations, as well as with machinery manufacturers, with a view to minimising safety and health problems in the clothing industry;
 - (b) in co-operation with employers' and workers' organisations, to promote the prevention of occupational health and safety problems by developing effective training programmes, medical examinations and other appropriate means;
- (2) to request the Director-General:
 - (a) to further investigate remedial measures to prevent injuries and health problems of workers in the clothing industry;
 - (b) to co-operate closely with international development and lending institutions and endeavour to ensure that assistance and loans devoted to the development of the clothing industry include specific provisions and guide-lines for the enhancement of occupational safety and health.

¹ Adopted unanimously.

Resolution (No. 29) concerning Subcontracting in the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Noting that subcontracting is spreading through different forms,

Noting that all enterprises should fulfil the laws of the country in which they operate;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office to request the Director-General:

- (1) to draw the attention of member States to the situation of subcontracted labour in the clothing industry and the application of ILO Conventions and Recommendations;
- (2) to call upon member States to respect principles stipulated in the ILO instruments, to observe recommended standards and to take measures to speed up the ratification of the relevant ILO Conventions.

Resolution (No. 30) concerning the Future Work Programme of the ILO in the Field of the Clothing Industry¹

The Third Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 2 to 10 December 1987,

Considering that the discussions at the present Meeting have highlighted the manifold problems arising from the continuing rapid developments in the clothing industry and have shown the need to continue to devote close attention to those questions;

Adopts this tenth day of December 1987 the following resolution:

The Third Tripartite Technical Meeting for the Clothing Industry invites the Governing Body of the International Labour Office:

- (1) to convene a further meeting for the clothing industry within five years;
- (2) to establish a standing Industrial Committee for the clothing industry;
- (3) to publish in the Spanish language future reports for the tripartite meetings for the clothing industry;
- (4) to consider including the following subjects in the agenda of the next meeting:
 - the impact of casual, temporary and home work as well as all aspects of working arrangements in the clothing industry;
 - the informal sector in the clothing industry;
- (5) to request the Director-General to conduct studies on the following subjects:
 - the employment and working conditions of contract labour in the clothing industry;
 - methods of payment, including piece-work;
 - child labour, in line with the terms of resolution No.14 of the Second Tripartite Technical Meeting for the Clothing Industry concerning conditions under which children are employed in the clothing industry wherever such practices exist;
 - occupational health and safety problems in the clothing industry;
- (6) to request the Director-General to convene a tripartite meeting of experts on the effects of technological change in the clothing industry;
- (7) to allocate the necessary resources to carry out the above-mentioned programme.

¹ Adopted unanimously.

**Classification of the Conclusions and Resolutions Adopted at the Previous Two
Tripartite Technical Meetings for the Clothing Industry^{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
None.

*Group B: Conclusions and resolutions, or parts thereof, which, for the time being, would not
appear to call for further information*
None.

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

No. 1 Conclusions concerning conditions of work in the clothing industry (paragraphs 5, 7-8, 10-12, 14-15 and 17-59) (First Meeting).

No. 2 Resolution concerning industrial home work in the clothing industry (paragraph 1) (First Meeting).

No. 4 Conclusions concerning problems arising from fluctuations of employment in the clothing industry (paragraphs 4-33) (First Meeting).

No. 7 Conclusions concerning contract labour in the clothing industry (Second Meeting).

No. 8 Conclusions concerning the employment effects in the clothing industry of changes in international trade (Second Meeting).

No.10 Resolution concerning multinational enterprises in the clothing industry (Second Meeting).

No.11 Resolution concerning trade union rights and the right to bargain collectively in the clothing industry (Second Meeting).

No.12 Resolution concerning statistical data for the clothing industry (Second Meeting).

No.13 Resolution concerning working mothers employed in the clothing industry (Second Meeting).

No.14 Resolution concerning child labour (Second Meeting).

No.15 Resolution concerning employment and working conditions in the clothing industry (Second Meeting).

No.16 Resolution concerning working conditions and the observance of ILO standards (paragraph 1) (Second Meeting).

No.17 Resolution concerning the protection of the health of workers against the effects of the various substances and chemical materials used in the clothing industry (Second Meeting).

*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*

None.

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

No. 5 Resolution concerning future action by the International Labour Office in respect of the clothing industry (paragraphs 2 and 3) (First Meeting).

No. 7 Conclusions concerning contract labour in the clothing industry (paragraphs 4,5 and 13) (Second Meeting).

No. 8 Conclusions concerning the employment effects in the clothing industry of changes in international trade (paragraphs 16, 17, 18 and 21) (Second Meeting).

¹ Adopted unanimously.

² Resolutions Nos. 3 and 6 call for no further action and are therefore eliminated from the classification.

- No. 9 Resolution concerning the future programme of the ILO in the field of the clothing industry (paragraphs 1,2, 4 and 5) (Second Meeting).
- No.10 Resolution concerning multinational enterprises in the clothing industry (Second Meeting).
- No.11 Resolution concerning trade union rights and the right to bargain collectively in the clothing industry (paragraph 4) (Second Meeting).
- No.12 Resolution concerning statistical data for the clothing industry (Second Meeting).
- No.13 Resolution concerning working mothers employed in the clothing industry (paragraphs 3 and 4) (Second Meeting).
- No.14 Resolution concerning child labour (paragraph 3) (Second Meeting).
- No.15 Resolution concerning employment and working conditions in the clothing industry (paragraph 2) (Second Meeting).
- No.17 Resolution concerning the protection of the health of workers against the effects of the various substances and chemical materials used in the clothing industry (paragraph 4) (Second Meeting).

Agreement between the International Labour Organisation and the Government of the Democratic Socialist Republic of Sri Lanka concerning the Establishment of an Office of the Organisation in Colombo

Whereas the International Labour Organisation has decided to establish an office of the International Labour Organisation in Colombo,

Whereas the Government of the Democratic Socialist Republic of Sri Lanka has informed the International Labour Organisation of its readiness to grant the necessary facilities to that office,

The International Labour Organisation and the Government of the Democratic Socialist Republic of Sri Lanka have agreed as follows:

ARTICLE 1

The Government will afford every assistance within its powers in securing the necessary facilities for the establishment of the Office of the International Labour Organisation in Colombo.

ARTICLE 2

1. The Government will grant the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations of 21 November 1947, and in its Annex of 10 July 1948, relating to the International Labour Organisation, to the Office of the International Labour Organisation in Colombo, to the staff of such Office as well as to any persons mentioned in the Convention or in its above-mentioned Annex, whenever they go on official business to the Democratic Socialist Republic of Sri Lanka.

2. The Government will grant to the Office of the International Labour Organisation in Colombo, and to all persons referred to in paragraph 1 above, privileges and immunities not less favourable than those granted to any other inter-governmental organisation and its staff in the Democratic Socialist Republic of Sri Lanka.

ARTICLE 3

The Government will facilitate the entry into, sojourn in, and departure from the Democratic Socialist Republic of Sri Lanka of all persons having official business with the Office of the International Labour Organisation.

ARTICLE 4

The Government shall endeavour to afford to the International Labour Organisation every assistance within its power in securing appropriate office accommodation, and in securing and providing free of charge necessary utilities and services in accordance with its practice with respect to other agencies of the United Nations with representation in Sri Lanka.

ARTICLE 5

1. This Agreement may be modified by mutual agreement. Such modification shall be by an exchange of notes.

2. Each contracting party shall notify the other contracting party of the fulfilment of its internal legal procedures required for the bringing into force of this Agreement. This Agreement shall enter into force on the 30th day from the date of the last notification.

3. This Agreement will remain in force so long as the International Labour Organisation will have an Office in the Democratic Socialist Republic of Sri Lanka. Consultations with respect to the modification or termination of the Agreement shall be convened at the request of either contracting party.

IN WITNESS WHEREOF the undersigned, duly authorised, have signed this Agreement at Colombo this 21st day of March 1988 in two originals in the Sinhala and English languages, both texts being equally authentic. In case of divergence of interpretation the English text shall prevail.

For the International Labour Organisation

For the Government of the Democratic
Socialist Republic of Sri Lanka

(Signed): S. G. TAYLOR

(Signed): W. T. JAYASINGHE